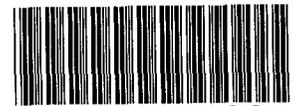


ORIGINAL



0000001122

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

254

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

2004 MAR 18 P 2:09

DOCKETED

MAR 18 2004

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
TIERRA LINDA HOMEOWNERS ASSOCIATION,
INC. FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WATER
SERVICE IN PIMA COUNTY, ARIZONA.

DOCKET NO. W-04236A-04-0075

PROCEDURAL ORDER

BY THE COMMISSION:

On February 3, 2004, Tierra Linda Homeowners Association ("Tierra Linda" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide water service in Pima County, Arizona ("Application").

In accordance with A.R.S. § 41-1074(C), the Application herein is deemed administratively complete.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **May 4, 2004 at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Commission's Utilities Division Staff ("Staff") shall file a Staff Report on or before **April 9, 2004**.

IT IS FURTHER ORDERED that the Applicant and any intervenors shall file any objections to the Staff Report by **April 26, 2004**.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **April 12, 2004**.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed by **April 19, 2004**.

1 IT IS FURTHER ORDERED that the Applicants shall provide public notice of the hearing in
2 this matter, in the following form and style, with the heading in no less than 10 point bold type and
3 the body in no less than 10 point regular type:

4 **PUBLIC NOTICE OF HEARING ON THE**
5 **APPLICATION OF TIERRA LINDA HOMEOWNERS ASSOCIATION**
6 **FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY**
Docket No. W-04236A-04-0075

7 On February 3, 2004, Tierra Linda Homeowners Association (“Tierra Linda”) filed with
8 the Arizona Corporation Commission (“Commission”) an application for a Certificate of
9 Convenience and Necessity (“Certificate”) to provide water service within Pinal County,
10 Arizona.

11 The application is available for inspection during regular business hours at the offices of
12 the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at
13 the offices of Tierra Linda, [*insert address*].

14 The Commission will hold a hearing on this matter beginning **May 4, 2004 at 10:00**
15 **a.m.**, at the Commission’s offices, 1200 West Washington Street, Phoenix, Arizona.
16 Public comment will be taken on the first day of the hearing.

17 The law provides for an open public hearing at which, under appropriate circumstances,
18 interested parties may intervene. Intervention shall be permitted to any person entitled by
19 law to intervene and having a direct and substantial interest in the matter. Persons
20 desiring to intervene must file a written motion to intervene with the Commission, which
21 motion should be sent to the Applicant or its counsel and to all parties of record, and
22 which, at the minimum, shall contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor and
24 of any party upon whom service of documents is to be made if different
25 than the intervenor.
- 26 2. A short statement of the proposed intervenor’s interest in the proceeding
27 (e.g., a customer of the Applicant, a shareholder of the Applicant, etc.).
- 28 3. A statement certifying that a copy of the motion to intervene has been
mailed to the Applicant or their counsel and to all parties of record in the
case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that
all motions to intervene must be filed on or before April 12, 2004. The granting of
intervention, among other things, entitles a party to present sworn evidence at hearing
and to cross-examine other witnesses. Failure to intervene will not preclude any person
with interest in this proceeding from appearing at the hearing and making a statement on
such person’s own behalf. You will not, however, receive any further notice of the
proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public
meetings. Persons with a disability may request a reasonable accommodation such as a
sign language interpreter, as well as request this document in an alternative format, by
contacting Yvonne McFarlin, ADA Coordinator, voice phone number 602/542-3931, E-
mail ymcfarlin@cc.state.az.us. Requests should be made as early as possible to allow
time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Applicant shall cause the above notice to be published
2 at least once in a newspaper of general circulation in its service territory, with publication to be
3 completed no later than **April 5, 2004**.

4 IT IS FURTHER ORDERED that the Applicant shall file certification of publication as soon
5 as practicable after the mailing has been completed but not later than **April 19, 2004**.

6 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
7 notwithstanding the failure of an individual property owner to read or receive the notice.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
9 Communications) applies to this proceeding as the matter is now set for public hearing.

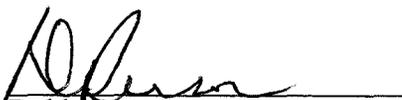
10 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
11 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

12 DATED this 18th day of March, 2004.

13
14 
15 AMANDA POPE
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 18th day of March, 2004 to:

19 Michael F. McNulty
20 Lewis & Roca, LLP
21 One South Church Ave.
22 Suite 700
23 Tucson, Arizona 85701

24 By: 
25 Debbi Person
26 Secretary to Amanda Pope

27 Christopher Kempley, Chief Counsel
28 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

SENDER: Complete if it indicates if it is to be returned to you. Attach this to the Return envelope.
 Article 1
 Mich
 Lew
 One
 Suit
 Tuc
 PS Form
 Signat
 Receipt

7180 4442 0100 0000 6401

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 0.00	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 1.75	
		\$ 4.42	
SENT TO:	TOTAL POSTAGE AND FEE		
<p>Michael F. McNutly Lewis & Roca, LLP One South Church Ave. Suite 700 Tucson, AZ 85701</p>			
W-04236A-04-0075			

PS FORM 3800



RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (SEE OTHER SIDE)

7180 4442 0100 0000 6401

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 0.00	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 1.75	
		\$ 4.42	
SENT TO:	TOTAL POSTAGE AND FEE		
<p>AZ Reporting Service, Inc. 2627 N. Third Street, Suite Three Phoenix, AZ 85004-1104</p>			
W-04236A-04-0075			

PS FORM 3800



RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (SEE OTHER SIDE)

Fold at line over top of envelope to the

URN RECEIPT

100 0000 6401

CERTIFIED

1 to receive the
 se (for an extra fee):
icted Delivery
 stmaster for fee.

7180 4442 0100 0000 6401