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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

Arizona Corporation Commission

DOCKETED

AUG 25 2003

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AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY *CA*

IN THE MATTER OF THE APPLICATION OF DOCKET NO. W-02056A-03-0490
WILHOIT WATER COMPANY, INC. FOR
APPROVAL OF THE TRANSFER OF A PORTION
OF ITS ASSETS AND FOR THE
CANCELLATION OF A PORTION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

PROCEDURAL ORDER

BY THE COMMISSION:

On July 16, 2003, Wilhoit Water Company, Inc. ("Company" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer of a portion of its assets and the cancellation of that portion of its Certificate of Convenience and Necessity ("Certificate") devoted to serve the Glenarm Farms subdivision ("Application"). The Application was filed because that portion of the system is being purchased by the City of Avondale ("City"), Arizona.

Pursuant to 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 shall be held on October 22, 2003 at 9:30 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 Staff Report and associated exhibits to be presented at hearing on behalf of Staff were to be reduced to writing and filed on or before 4:00 p.m. on October 8, 2003.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m. on October 13, 2003.

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
2 except that all motions to intervene must be filed on or before October 10, 2003.

3 IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this
4 matter, in the following form and style:

5 **PUBLIC NOTICE OF THE HEARING FOR WILHOIT WATER COMPANY, INC.**
6 **FOR APPROVAL OF THE TRANSFER OF ASSETS AND CANCELLATION**
7 **OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY UTILIZED FOR**
8 **THE PROVISION OF SERVICE FOR ITS GLENARM FARMS SERVICE AREA**
9 **Docket No. W-02056A-03-0490**

10 On July 16, 2003, Wilhoit Water Company, Inc. ("Applicant") filed an application for
11 approval of the transfer of that portion of its assets and cancellation of that portion of
12 of its CC&N utilized to provide service to its Glenarm Farms service area in
13 Maricopa County, Arizona.

14 The application is available for inspection during regular business hours at the offices
15 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
16 and at the Applicant's office, [insert office address].

17 The Commission will hold a hearing on this matter commencing on October 22,
18 2003, at 9:30 a.m., at the Commission's offices, 1200 West Washington Street,
19 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

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

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

29 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
30 that all motions to intervene must be filed on or before October 10, 2003. The
31 granting of intervention, among other things, entitles a party to present sworn
32 evidence at hearing and to cross-examine other witnesses. However, failure to
33 intervene will not preclude any customer from appearing at the hearing and making a
34 statement on such customer's own behalf.

35 If you have any questions or concerns about this application or have any objections
36 to its approval, or wish to make a statement in support of it, you may write the
37 Consumer Services Section of the Commission at 1200 West Washington Street,
38 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make

1 comment.

2 The Commission does not discriminate on the basis of disability in admission to its
3 public meetings. Persons with a disability may request a reasonable accommodation
4 such as a sign language interpreter, as well as request this document in an alternative
5 format, by contacting the ADA Coordinator, voice phone number 602/542-3931.
6 Requests should be made as early as possible to allow time to arrange the
7 accommodation.

8 IT IS FURTHER ORDERED that Applicant shall cause the above notice to be mailed to
9 existing customers in the Glenarm Farms subdivision and published at least once in a newspaper of
10 general circulation in its service territory, with publication to be completed no later than September
11 19, 2003.

12 IT IS FURTHER ORDERED that Applicant shall file certification of publication as soon as
13 practicable after the publication has been completed.

14 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
15 publication of same, notwithstanding the failure of an individual customer to read or receive the
16 notice.

17 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
18 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
19 ruling at hearing.

20 DATED this 25th day of August, 2003.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
22 this 25 day of August, 2003 to:

23 Douglas G. Martin
24 MARTIN & BELL, LLC
25 365 Coronado Road, Ste. 200
26 Phoenix, AZ 85004
27 Attorneys for Wilhoit Water Company, Inc.

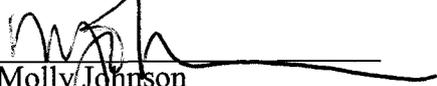
28 Carolyn Kusian Oberholtzer
JORDEN, BUSCHOFF, MCGUIRE & ROSE, P.L.C.
7572 East Indian School Road, Ste. 205
Scottsdale, AZ 85251
Attorneys for City of Avondale

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

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

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

By: 
Molly Johnson
Secretary to Marc Stern

7180 4442 0100 0000 3820

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.00	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 2.30	
	CERTIFIED FEE	\$ 1.75	
	RETURN RECEIPT FEE	\$ 4.42	
SENT TO:		TOTAL POSTAGE AND FEE	
<p>Douglas G. Martin Martin & Bell, LLC 365 Coronado Road, Ste. 200 Phoenix, AZ 85004</p>			
W-02065A-03-0490			

PS FORM 3800



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

7098 0000 0010 2444 0912

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 0.00	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 1.75	
SENT TO:		TOTAL POSTAGE AND FEE	\$ 4.42
<p>Arizona Reporting Service, Inc. 2627 N. Third Street, Ste. Three Phoenix, AZ 85004-1003</p>			
W-02065A-03-0490			

PS FORM 3800



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

ET9E 0000 0010 2444 0912

RETURN RECEIPT SERVICE	POSTAGE	\$ 0.37	POSTMARK OR DATE
	RESTRICTED DELIVERY FEE	\$ 0.00	
	CERTIFIED FEE	\$ 2.30	
	RETURN RECEIPT FEE	\$ 1.75	
SENT TO:		TOTAL POSTAGE AND FEE	\$ 4.42
<p>Carolyn Kusian Oberholtzer Jordan, Buschoff, McGuire & Rose, P.L.C. 7572 East Indian School Road, Ste. 205 Scottsdale, AZ 85251</p>			
W-02065A-03-0490			

PS FORM 3800



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



7180 4442 0100 0000 3813

FROM LASER SUBSTRATES INC 800-538-4900