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BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

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

Arizona Corporation Commission

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JUN 24 2004

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IN THE MATTER OF:

DOCKET NO. W-02124A-04-0416

AJF CUSTOM HOMES, LLC, an Arizona Limited Liability Company,

Complainant,

v.

DESERT HILLS WATER COMPANY, INC., an Arizona Corporation,

Respondent.

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DOCKET NO. W-02124A-04-0469

IN THE MATTER OF:

UTILITIES DIVISION, of the Arizona Corporation Commission,

Complainant,

v.

DESERT HILLS WATER COMPANY, INC., an Arizona Corporation,

Respondent.

PROCEDURAL ORDER

BY THE COMMISSION:

On June 4, 2004, AJF Custom Homes, LLC ("AJF") filed a Formal Complaint and Motion for Expedited Hearing alleging that Desert Hills Water Company ("Desert Hills") is unjustifiably refusing to serve five properties owned by AJF and located within Desert Hills certificated service area and that the pending sale of two of these properties necessitates an expedited hearing in this matter.

By Procedural Order dated June 18, 2004, a pre-hearing conference was set for June 23, 2004.

The pre-hearing conference was held as scheduled and AJF and Desert Hills appeared with

1 counsel. Counsel for the Commission's Utilities Division Staff ("Staff") entered an appearance and
2 indicated that it intends to file a complaint against Desert Hills.

3 At the hearing, Desert Hills indicated that it intends to file its Answer to AJF's complaint in
4 accordance with the provisions of A.A.C. R14-3-106(H).

5 On June 23, 2004, Staff filed a Complaint against Desert Hills, which sets forth six counts in
6 which Desert Hills allegedly stands in violation of Commission rules, statutes, obligations pursuant to
7 its Certificate of Convenience and Necessity, common law, and contractual duties.

8 Pursuant to A.A.C. R14-3-109(H), two or more proceedings may be consolidated for the
9 purposes of hearing.

10 As the issues presented in the complaints filed by AJF and Staff are substantially the same
11 and no party will be prejudiced, consolidation of these matters is appropriate.

12 Furthermore, pursuant to A.R.S. § 40-246(C), this hearing may be set in an expedited fashion
13 if the Commission finds that public necessity requires the hearing be held at an earlier date. Based
14 upon the facts in this matter, it is appropriate to expedite hearing of these consolidated matters.

15 IT IS THEREFORE ORDERED that the above-captioned matters are hereby consolidated for
16 purposes of hearing.

17 IT IS FURTHER ORDERED that Desert Hills shall file an Answer to Staff's Complaint on or
18 before **July 9, 2004**.

19 IT IS FURTHER ORDERED that a hearing on these consolidated matters shall commence on
20 **July 13, 2004 at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix,
21 Arizona.

22 IT IS FURTHER ORDERED that the parties shall file a list of witnesses and exhibits no later
23 than **July 12, 2004**.

24 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
25 communications applies to this proceeding as the matter is now set for public hearing.

26 ...

27 ...

28 ...

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

3
4 Dated this 24th day of June, 2004.

5 
6 AMANDA POPE
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 24 day of June, 2004 to:

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23 By: 
24 Molly Johnson
25 Secretary to Amanda Pope