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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

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF ARIZONA UTILITY SUPPLY & SERVICES, L.L.C., FOR THE TRANSFER OF A PORTION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO JOHNSON UTILITIES, L.L.C.

DOCKET NO. SW-04002A-02-0837  
DOCKET NO. WS-02987A-02-0837

IN THE MATTER OF THE APPLICATION OF ARIZONA UTILITY SUPPLY & SERVICES, L.L.C., TO TRANSFER ITS ASSETS AND CERTIFICATE OF CONVENIENCE AND NECESSITY TO JOHNSON UTILITIES, LLC.

DOCKET NO. SW-04002A-04-0465  
DOCKET NO. WS-02987A-04-0465

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 8, 2002, Arizona Utility Supply & Services, L.L.C. ("Applicant" or "AUSS") filed with the Arizona Corporation Commission ("Commission") an application in Docket Nos. SW-04002A-02-0837 and WS-02987A-02-0837 ("the 02-0837 dockets") for the transfer of a portion of its Certificate of Convenience and Necessity ("CC&N") to Johnson Utilities, L.L.C. ("Johnson").

On June 3, 2004, a Procedural Order was issued setting a hearing for July 9, 2004 in the 02-0837 dockets.

By Procedural Order issued June 17, 2004, the hearing date in the 02-0837 dockets was rescheduled for July 16, 2004, at the request of all parties, and the applicable time clock rules were extended accordingly. The Procedural Order referenced the fact that an emergency situation involving potential overflows of wastewater on the AUSS system had been temporarily averted by Johnson's agreement to accept wastewater and effluent from AUSS pending consideration of the pending application. Johnson's agreement to accept wastewater and effluent from the AUSS system was facilitated by the Commission's Utilities Division Staff ("Staff") and the Arizona Department of Environmental Quality.

On June 21, 2004, AUSS filed an application in Docket Nos. SW-04002A-04-0465 and WS-

1 02987A-04-0465 (“the 04-0465 dockets”) with the Commission to transfer assets and the entirety of  
2 its CC&N to Johnson.

3 On June 28, 2004, Staff filed a Motion to Consolidate (“Motion”) the above-captioned  
4 dockets. In support of its Motion, Staff argues that consolidation is appropriate because the issues  
5 and facts in both applications are synonymous. Staff requests that the hearing scheduled for July 16,  
6 2004 be used for both the 02-0837 and 04-0465 dockets. Staff believes that sufficient time remains  
7 to properly notice the July 16, 2004 hearing date for the 04-0465 dockets. However, if it is  
8 determined that notice can not be accomplished in time for the July 16, 2004 hearing date, Staff  
9 requests that the hearing be rescheduled for a mutually convenient date rather than holding two  
10 separate hearings. Staff claims that Johnson supports consolidation of the applications but has  
11 expressed concern about moving the July 16, 2004 hearing date. Staff states that AUSS also supports  
12 consolidation, as long as sufficient time is given to send out the additional notice of the hearing date  
13 in the 04-0465 dockets.

14 On June 29, 2004, Staff filed a consolidated Staff Report in the above-captioned proceedings,  
15 recommending approval of the applications subject to certain conditions.

16 IT IS THEREFORE ORDERED that Staff’s Motion to Consolidate the above-captioned  
17 dockets is granted.

18 IT IS FURTHER ORDERED that the hearing in the consolidated dockets shall be held on  
19 July 16, 2004, at 10:00 a.m., at the offices of the Commission, 1200 West Washington Street,  
20 Phoenix, Arizona 85007.

21 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
22 except that all motions to intervene must be filed on or before July 15, 2004.

23 IT IS FURTHER ORDERED that the Applicant shall serve public notice of this proceeding  
24 and the opportunity to request a hearing in this matter, in the following form and style:

25 **PUBLIC NOTICE OF APPLICATION BY**  
26 **ARIZONA UTILITY SUPPLY & SERVICES, L.L.C. FOR TRANSFER**  
27 **OF ITS ASSETS AND CERTIFICATE OF CONVENIENCE AND NECESSITY**  
28 **TO JOHNSON UTILITIES, L.L.C.**  
(SW-04002A-04-0465, et al.)

1 On June 21, 2004, Arizona Utility Supply & Services, L.L.C. ("Applicant" or  
2 "AUSS") filed an application to transfer its assets and Certificate of Convenience and  
3 Necessity ("Certificate") for the provision of wastewater service to Johnson Utilities,  
4 L.L.C. ("Johnson"). If the application is granted, Johnson would be the provider of  
wastewater service to the Applicant's service territory. This application has been  
consolidated with a prior application to transfer only a portion of the AUSS Certificate  
to Johnson (Docket No. SW-04002A-02-0837 et al.).

5 The application is available for inspection during regular business hours at the  
6 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,  
Arizona and at the Applicant's offices, [insert applicants' addresses].

7 The Commission will hold a hearing on the consolidated applications  
8 beginning **July 16, 2004, at 10:00 a.m.**, at the Commission's office, 1200 West  
9 Washington Street, Phoenix, Arizona. Public comments will be taken at the  
10 commencement of the hearing.

11 As a property owner or customer you may have the right to intervene in the  
12 proceeding and request a hearing. If you do not want to intervene, you may make oral  
13 or written comments by contacting the Commission at the above addresses.  
Intervention shall be permitted to any person entitled by law to intervene and having a  
direct and substantial interest in the matter. Persons desiring to intervene must file a  
written notice to intervene with the Commission, which motion should be sent to the  
Applicant or their counsel and to all parties of record, and which, at the minimum,  
shall contain the following:

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

20 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
21 except that all motions to intervene must be filed on or before **July 15, 2004**. The  
22 granting of intervention, among other things, entitles a party to present sworn evidence  
23 at hearing and to cross-examine other witnesses. However, failure to intervene will  
not preclude any customer from appearing at the hearing and making a statement on  
such customer's own behalf.

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

27 The Commission does not discriminate on the basis of disability in admission to  
28 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

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format, by contacting Yvonne McFarland, 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.

IT IS FURTHER ORDERED that the Applicant shall mail to its customers a copy of this notice by first-class U.S. Mail, to begin as soon as possible and to be completed on or before July 6, 2004.

IT IS FURTHER ORDERED that the Applicant shall file certification of mailing of notice as soon as practical after the mailing has been completed, but no later than July 15, 2004.

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

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized Communications) applies to these consolidated proceedings as the matters are now set for public hearing.

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

DATED this 30<sup>th</sup> day of June, 2004



DWIGHT D. NODES  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 30 day June, 2004 to:

Maurice Lee  
Arizona Utility Supply & Services, LLC  
4002 E. Taro Lane  
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DYER & FERRIS, LLC  
3550 N. Central Ave, # 1801  
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1 George Johnson  
Johnson Utilities Co., LLC  
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2 Phoenix, AZ 85253  
3 Jay L. Shapiro  
FENNEMORE CRAIG  
4 3003 North Central Avenue, Ste. 2600  
Phoenix, AZ 85012  
5 Attorneys for Johnson Utilities Co., L.L.C.

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

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

12 ARIZONA REPORTING SERVICE  
2627 N. Third Street, Ste. Three  
13 Phoenix, AZ 85004-1003  
14

15 By:   
16 Molly Johnson  
17 Secretary to Dwight D. Nodes  
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