

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2004 APR 30 P 1:24

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

APR 30 2004

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
BEARDSLEY WATER COMPANY TO EXTEND  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02074A-04-0241

PROCEDURAL ORDER

BY THE COMMISSION:

On March 30, 2004, Beardsley Water Company ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water utility service in various parts of Maricopa County, Arizona.

On April 29, 2004, the Commission's Utilities Division ("Staff") issued a notice that the application had met the sufficiency requirements of A.A.C. R14-2-411(C).

In accordance with A.R.S. § 41-1074(A), 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 a hearing shall commence on June 22, 2004, 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 shall be reduced to writing and filed on or before 4:00 p.m. on June 7, 2004.

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 June 17, 2004.

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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 June 18, 2004.

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**  
6 **BEARDSLEY WATER COMPANY FOR AN EXTENSION OF ITS**  
7 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
8 **Docket No. W-02074A-04-0241**

9 On March 30, 2004, Beardsley Water Company ("Applicant") filed an application for  
10 an extension of its CC&N in various parts of Maricopa County, Arizona.

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

14 The Commission will hold a hearing on this matter commencing on June 22, 2004, at  
15 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix,  
16 Arizona. Public comments will be taken on the first day of the hearing.

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

- 23 1. The name, address, and telephone number of the proposed intervenor and of  
24 any party upon whom service of documents is to be made if different than the  
25 intervenor.
- 26 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
27 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
- 28 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.

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 June 18, 2004. The granting  
of intervention, among other things, entitles a party to present sworn evidence 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.

If you have any questions or concerns about this application or have any objections  
to its approval, or wish to make a statement in support of it, you may write 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.

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

1 public meetings. Persons with a disability may request a reasonable accommodation  
2 such as a sign language interpreter, as well as request this document in an alternative  
3 format, by contacting the ADA Coordinator, voice phone number 602/542-3931, E-  
4 mail YMcFarlin@cc.state.az.us. Requests should be made as early as possible to  
5 allow time to arrange the accommodation.

6 IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at  
7 least once in a newspaper of general circulation in its service territory, with publication to be  
8 completed no later than May 28, 2004.

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

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

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

16 DATED this 30<sup>TH</sup> day of April, 2004.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

17  
18 Copies of the foregoing mailed/delivered  
19 this 30 day of April, 2004 to:

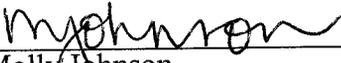
20 Fred T. Wilkinson  
21 Beardsley Water Company  
22 P.O. Box 1020  
Apache Junction, AZ 85217

23 Christopher Kempley, Chief Counsel  
24 Legal Division  
ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
Phoenix, Arizona 85007

26 Ernest Johnson, Director  
27 Utilities Division  
ARIZONA CORPORATION COMMISSION  
28 1200 West Washington Street  
Phoenix, Arizona 85007

1 ARIZONA REPORTING SERVICE, INC.  
2 2627 N. Third Street, Suite Three  
3 Phoenix, Arizona 85004-1104

4 By:

  
5 Molly Johnson  
6 Secretary to Marc Stern  
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