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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission # 254

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COMMISSIONERS

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

2004 MAY 19 P 2:37

MAY 19 2004

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY *Marc*

IN THE MATTER OF THE APPLICATION OF
NEW RIVER UTILITY COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY IN
MARICOPA COUNTY, ARIZONA.

DOCKET NO. W-01737A-04-0274

PROCEDURAL ORDER

BY THE COMMISSION:

On April 9, 2004, New River Utility 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 to various parts of Maricopa County, Arizona.

On May 14, 2004, in lieu of a notice of sufficiency pursuant to A.A.C. R14-2-411(C), the Commission's Utilities Division ("Staff") filed its Staff Report and 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 a hearing shall commence on June 24, 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 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 7, 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 June 17, 2004.

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

PUBLIC NOTICE OF THE HEARING FOR
NEW RIVER UTILITY COMPANY FOR AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY
Docket No. W-01737A-04-0274

On April 9, 2004, New River Utility Company ("Applicant") filed an application for an extension of its CC&N to various parts of Maricopa County, Arizona.

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

The Commission will hold a hearing on this matter commencing on June 24, 2004 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. 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 motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the 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.

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 17, 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 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 Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at least once in a newspaper of general circulation in its service territory, with publication to be

1 completed no later than June 4, 2004.

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

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

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

9 DATED this 19TH day of May, 2004.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

10
11
12
13
14 Copies of the foregoing mailed/delivered
this 19 day of May, 2004 to:

15 Jay L. Shapiro
16 Patrick J. Black
17 FENNEMORE CRAIG
18 3003 N. Central Avenue, Ste. 2600
19 Phoenix, AZ 85012
20 Attorneys for New River Utility Company

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

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

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

27 By: Molly Johnson
28 Molly Johnson
Secretary to Marc Stern

SENDER:
 • Complete items 1, 2 and 3.
 • Indicate if restricted delivery is desired.
 • Print your name and address on the reverse of this form.
 • Attach this form to the front of the mailpiece, or on the return receipt requested on the mailpiece.
 • The Return Receipt Fee will provide you the signature delivery.

1. Article Addressed to:
Patrick J. Black
Jay L. Shapiro
FENNEMORE CRAIG
3003 N. Central Avenue, Ste. 21
Phoenix, AZ 85012

Received By: (Print Name)

Signature - (Addressee or Agent)

PS Form 3811 **W-01737A-04-0274**

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 • The Return Receipt Fee will provide you the signature delivery.

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ARIZONA REPORTING SERVICE
2627 North Third Street, Suite
Phoenix, AZ 85004-1104

Received By: (Print Name)

Signature - (Addressee or Agent)

PS Form 3811 **W-01737A-04-0274**

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| RESTRICTED DELIVERY FEE | \$ 2.30 | |
| CERTIFIED FEE | \$ 1.75 | |
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 Phoenix, AZ 85004-1104

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| | CERTIFIED FEE | \$ 1.75 | |
| | RETURN RECEIPT FEE | \$ 4.42 | |
| | TOTAL POSTAGE AND FEE | | |
| SENT TO: | | Patrick J. Black Jay L. Shapiro FENNEMORE CRAIG 3003 N. Central Avenue, Ste. 2600 Phoenix, AZ 85012 | |

800
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RECEIPT
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 DATES INC 800-538-4900

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PS FORM 3800



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

Receipt for fee:
 0 7408
 CERTIFIED MAIL

9042 0000 0010 2444 0912

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