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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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SEP 13 2004

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY	<i>SD</i>
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IN THE MATTER OF THE APPLICATION OF  
MONTEZUMA ESTATES PROPERTY OWNERS'  
ASSOCIATION dba MONTEZUMA ESTATES  
WATER COMPANY FOR APPROVAL OF THE  
SALE OF ASSETS AND TRANSFER OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02064A-04-0270  
DOCKET NO. W-04254A-04-0270

PROCEDURAL ORDER

BY THE COMMISSION:

On April 9, 2004, Montezuma Estates Property Owners' Association dba Montezuma Estates Water Company ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets and transfer of its Certificate of Convenience and Necessity ("Certificate") to Montezuma Rimrock Water Company L.L.C. ("MRWC").

On May 12, 2004, by Procedural Order, pursuant to A.R.S. 41-1074(C), the application herein was deemed administratively complete and in accordance with A.A.C. R14-3-101, the Commission scheduled a hearing to commence on July 8, 2004.

On June 8, 2004, Applicant filed certification that notice had been provided pursuant to the Commission's Procedural Order.

On June 14, 2004, Richard Rink, a property owner in the Company's certificated service area, filed a request to intervene.

On June 24, 2004, the Commission's Utilities Division ("Staff") filed its Staff Report. Additionally, by Procedural Order, Mr. Rink's request to intervene was granted without objection.

On July 1, 2004, Applicant filed its response to the Staff Report.

On July 8, 2004, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. Applicant and Staff appeared with counsel. Mr. Rink appeared on his own behalf. Owen L. Cotton, a member of a limited liability

1 company which owns property in the Company's certificated service area, appeared and stated that  
2 on June 18, 2004, he had mailed a letter to the Commission also requesting intervention. Mr. Cotton  
3 acknowledged that he had not sent a copy of his request to any other party. Without objection, his  
4 request was granted at the outset of the proceeding. Based on the record, the timeclock rule was  
5 suspended following the request by Applicant for at least a 90-day continuance to resolve certain  
6 issues raised in the hearing and it was agreed that the Company would file a motion to reschedule the  
7 proceeding for the taking of additional evidence.

8 On August 12, 2004, Staff filed a Status Report and a late-filed exhibit.

9 On September 1, 2004, Applicant filed a Motion to Reset the Hearing.

10 Accordingly, a hearing should be scheduled to conclude the taking of evidence.

11 IT IS THEREFORE ORDERED that a hearing shall be held on October 28, 2004, at 9:30  
12 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

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

15 DATED this 13<sup>TH</sup> day of September, 2004

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28  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed  
20 this B day September, 2004 to:

21 Montezuma Estates Property Owners Association  
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23 Rimrock, AZ 86335

24 Peter O. Sanchez  
25 60 Ridgecrest Road  
26 Sedona, AZ 86351

27 Montezuma Rimrock Water Company LLC  
28 P.O. Box 10  
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Patricia D. Arias  
7209 W. Windrose Drive  
Peoria, AZ 85381

1 Richard Rink  
2 6601 N. Mountain View Drive  
3 Paradise Valley, AZ 85253

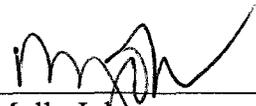
4 Owen L. Cotton  
5 Cotton, Norton, Stevenson Consulting, Inc.  
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8 Christopher Kempley, Chief Counsel  
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21 By:

22   
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24 Molly Johnson  
25 Secretary to Marc E. Stern  
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27  
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