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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

DOCKETED

SEP 13 2004

DOCKETED BY *SS*

DOCKET NO. W-01676A-04-0500

IN THE MATTER OF THE APPLICATION OF
PINEVIEW WATER COMPANY, INC. FOR AN
INCREASE IN ITS WATER RATES FOR
CUSTOMERS WITHIN NAVAJO COUNTY,
ARIZONA.

RATE CASE
PROCEDURAL ORDER

BY THE COMMISSION:

On July 9, 2004, Pineview Water Company, Inc. ("Pineview" or "Company") filed the above-captioned rate application with the Arizona Corporation Commission ("Commission").

On August 9, 2004, the Commission's Utilities Division Staff ("Staff") filed a letter informing the Company that its application had not met the sufficiency requirements of the Commission's rules.

On August 20, 2004, Pineview filed an amendment to the July 9, 2004 rate application.

On September 7, 2004, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class C utility.

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 the hearing in the above-captioned matter shall commence on **March 7, 2005, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Staff Report and/or any direct testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before January 20, 2005.

IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before January 20,

1 2005.

2 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
3 presented at hearing by the Company shall be reduced to writing and filed on or before February 22,
4 2005.

5 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
6 been prefiled as of February 22, 2005, shall be made on or before March 3, 2005.

7 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
8 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
9 scheduled to testify.

10 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
11 except that all motions to intervene must be filed on or before November 30, 2004.

12 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
13 regulations of the Commission, except that: for discovery requests made through January 7, 2005, any
14 objection to discovery requests shall be made within 7 days¹ of receipt and responses to discovery
15 requests shall be made within 10 days of receipt; thereafter, objections to discovery requests shall be
16 made within 5 days and responses shall be made in 7 days, the response time may be extended by
17 mutual agreement of the parties involved if the request requires an extensive compilation effort; and
18 no discovery requests shall be served after February 25, 2005.

19 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
20 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
21 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
22 request, a procedural hearing will be convened as soon as practicable; and that the party making such
23 a request shall contact all other parties to advise them of the hearing date and shall at the procedural
24 hearing provide a statement confirming that the other parties were contacted.²

25 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by
26 the Commission within 10 days of the filing date of the motion shall be deemed denied.

27 ¹ "Days" means calendar days.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
2 the filing date of the motion.

3 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
4 of the response.

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

7 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF**
8 **PINEVIEW WATER COMPANY FOR AN INCREASE IN ITS WATER RATES FOR**
9 **CUSTOMERS WITHIN NAVAJO COUNTY, ARIZONA**
10 **Docket No. W-01676A-04-0500**

11 On July 9, 2004, Pineview Water Company ("Company") filed an application
12 with the Arizona Corporation Commission for an increase in its rates. The Company
13 has proposed an increase in rates for the average residential customer of 20.77 percent.
14 Copies of the Company's application and proposed tariffs are available at its office
15 [COMPANY INSERT ADDRESS HERE] and at the Commission's offices in the
16 Docket Control Center for public inspection during regular business hours. The
17 Commission's Utilities Division Staff will file a recommendation to the Commission
18 on the Company's application on January 20, 2005, and copies of that filing will be
19 available at the Commission's offices in the Docket Control Center for public
20 inspection after that date.

21 The Commission will hold a public hearing on this matter beginning **March 7,**
22 **2005, at 10:00 a.m.** at the Commission's offices, 1200 West Washington Street,
23 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

24 The law provides for an open public hearing at which, under appropriate
25 circumstances, interested parties may intervene. Intervention shall be permitted to any
26 person entitled by law to intervene and having a direct and substantial interest in the
27 matter. Persons desiring to intervene must file a written motion to intervene with the
28 Commission no later than **November 30, 2004**. The motion to intervene must be sent
to the Company or its counsel and to all parties of record, and must 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 from the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the

1 hearing and providing public comment on the application or from filing written
2 comments in the record of the case. You will not receive any further notice of this
3 proceeding unless you request it.

4 If you have any questions about this application, wish to file written comments
5 on the application, or want further information on intervention, you may contact the
6 Consumer Services Section of the Commission at 1200 West Washington Street,
7 Phoenix, Arizona 85007, visit the Arizona Corporation Commission's webpage at
8 <http://www.cc.state.az.us/utility/forms/index.htm>, or call 1-800-222-7000.

9 The Commission does not discriminate on the basis of disability in admission
10 to its public meetings. Persons with a disability may request a reasonable
11 accommodation such as a sign language interpreter, as well as request this document
12 in an alternative format, by contacting the ADA Coordinator, Yvonne McFarlin, at
13 YMcFarlin@admin.cc.state.az.us, voice phone number 602/542-3931. Requests
14 should be made as early as possible to allow time to arrange the accommodation.

15 IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of
16 the above notice by October 29, 2004.

17 IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as
18 practicable after the mailing has been completed.

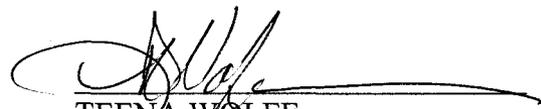
19 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,
20 notwithstanding the failure of an individual customer to read or receive the notice.

21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
22 Communications) applies to this proceeding and shall remain in effect until the Commission's
23 Decision in this matter is final and non-appealable.

24 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
25 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

28 DATED this 13th day of September, 2004.

24 
25 TEENA WOLFE
26 ADMINISTRATIVE LAW JUDGE

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27 ...
28 ...

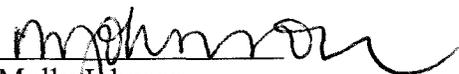
1 Copies of the foregoing mailed
this 13 day of September, 2004 to:

2 Richard L. Sallquist
3 SALLQUIST & DRUMMOND
4 2525 E. Arizona Biltmore Circle, Ste. 117
5 Phoenix, AZ 85016
6 Attorneys for Pineview Water Company

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 W. Washington Street
11 Phoenix, Arizona 85007

12 Ernest Johnson, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 W. Washington Street
16 Phoenix, Arizona 85007

17 Arizona Reporting Service, Inc.
18 2627 N. Third Street, Suite Three
19 Phoenix, Arizona 85004-1103

20 By: 
21 Molly Johnson
22 Secretary to Teena Wolfe
23
24
25
26
27
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