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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

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AZ CORP COMMISSION
DOCUMENT CONTROL

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

6 By Procedural Order issued June 30, 2004, the above-captioned cases were consolidated and a
7 consolidated hearing was scheduled for July 16, 2004.

8 On July 16, 2004, the hearing was held as scheduled. At the conclusion of the July 16, 2004
9 hearing, the parties requested additional time to engage in settlement discussions regarding certain
10 issues that arose shortly before and during the July 16, 2004 hearing.

11 Procedural teleconferences were conducted with all parties on July 30 and August 6, 2004.
12 The parties indicated that they are continuing to engage in settlement discussions and agreed that an
13 additional hearing date should be scheduled in this matter.

14 IT IS THEREFORE ORDERED that a hearing shall be scheduled for August 25, 2004, at
15 10:00 a.m., at the offices of the Commission, 1200 West Washington, Phoenix, Arizona 85007.

16 IT IS FURTHER ORDERED that the Ex Parte Rule is still in effect.

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

19 DATED this 9th day of August, 2004

20
21 

22 DWIGHT D. NODES
23 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed
25 this 9 day August, 2004 to:

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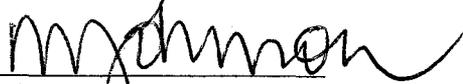
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27 Molly Johnson
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