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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

2003 JUN 10 A 9:52

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

JUN 10 2003

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

DOCKETED BY	<i>CM</i>
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IN THE MATTER OF THE APPLICATION OF
PINE WATER COMPANY FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY, A RATE INCREASE AND FOR
APPROVAL TO INCUR LONG-TERM DEBT.

DOCKET NO. W-03512A-03-0279

PROCEDURAL ORDER

BY THE COMMISSION:

On May 1, 2003, Pine Water Company ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a determination of the current fair value of its utility plant and property, a rate increase and for approval of long-term debt.

On June 2, 2003, the Commission's Utilities Division Staff filed a letter notifying the Company that its application met the sufficiency requirements outlined in A.A.C. R14-2-103 and classifying the Company as a Class C utility.

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 December 15, 2003, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that a pre-hearing conference shall be held on December 1, 2003, at 1:30 p.m., at the Commission's offices, for the purpose of scheduling witnesses and discussing other procedural matters.

IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before October 15, 2003.

1 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
2 hearing on behalf of intervenors shall be reduced to writing and filed on or before October 15, 2003.

3 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
4 presented at hearing by the Company shall be reduced to writing and filed on or before November 14,
5 2003.

6 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be
7 presented by the Staff or intervenors shall be reduced to writing and filed on or before November 28,
8 2003.

9 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
10 presented at the hearing shall be presented orally at the hearing.

11 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
12 been prefiled as of November 28, 2003, shall be made by December 1, 2003.

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

16 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
17 except that all motions to intervene must be filed on or before October 15, 2003.

18 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
19 regulations of the Commission, except that: any objection to discovery requests shall be made within
20 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt; ¹ the
21 response time may be extended by mutual agreement of the parties involved if the request requires an
22 extensive compilation effort; and no discovery requests shall be served after December 5, 2003.

23 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
24 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
25 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
26 request, a procedural hearing will be convened as soon as practical; and that the party making such a
27

28 ¹ "Days" means calendar days.

1 request shall forthwith contact all other parties to advise them of the hearing date and shall at the
2 hearing provide a statement confirming that the other parties were contacted.²

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

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

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

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

PUBLIC NOTICE OF HEARING ON THE
RATE AND FINANCE APPLICATION OF
PINE WATER COMPANY
DOCKET NO. W-03512A-03-0279

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13
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15
16 On May 1, 2003, Pine Water Company ("Company") filed an application with the
17 Arizona Corporation Commission ("Commission") for an increase of approximately
18 41 percent over adjusted test year revenues. The actual percentage rate increase for
19 individual customers will vary depending upon the type and quantity of service
20 provided. The Company also seeks authority to incur long-term indebtedness in the
amount of \$178,000. Copies of the Company's application and proposed tariffs are
available at its office and the Commission's offices for public inspection during
regular business hours.

21 The Commission will hold a hearing on this matter beginning **December 15, 2003, at**
22 **10:00 a.m.**, at the Commission's Phoenix office, 1200 West Washington Street,
23 Phoenix, Arizona. Public comments will be taken at the commencement 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
matter. Persons desiring to intervene must file a written motion to intervene with the

27
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 Commission, which motion should be sent to the Company or its counsel and to all
2 parties of record, and which, at the minimum, shall contain the following:

- 3 1. The name, address, and telephone number of the proposed intervenor
4 and of any party upon whom service of documents is to be made if
5 different than the intervenor.
6
7 2. A short statement of the proposed intervenor's interest in the
8 proceeding (e.g., a customer of the Company, a shareholder of the
9 Company, etc.).
10
11 3. A statement certifying that a copy of the motion to intervene has been
12 mailed to the Company or its counsel and to all parties of record in the
13 case.

14 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
15 that all motions to intervene must be filed on or before **October 15, 2003**. The
16 granting of intervention, among other things, entitles a party to present sworn evidence
17 at hearing and to cross-examine other witnesses. However, failure to intervene will
18 not preclude any customer from appearing at the hearing and making a statement on
19 such customer's own behalf.

20 If you have any questions or concerns about this application or have any objections to
21 its approval, or wish to make a statement in support of it, you may write the Consumer
22 Services Section of the Commission at 1200 West Washington Street, Phoenix,
23 Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

24 The Commission does not discriminate on the basis of disability in admission to its
25 public meetings. Persons with a disability may request a reasonable accommodation
26 such as a sign language interpreter, as well as request this document in an alternative
27 format, by contacting Shelly M. Hood, ADA Coordinator, voice phone number
28 602/542-3931, 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 the Company shall mail to each of its Arizona customers a
copy of the above notice by August 15, 2003.

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

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

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) applies to this proceeding as the matter is now set for public hearing.

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

3 DATED this 10th day of June, 2003.

4 

5 DWIGHT D. NODES
6 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

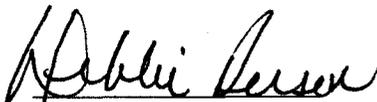
7 Copies of the foregoing mailed
8 this 10th day of June 2003 to:

9 Jay Shapiro
10 Patrick Black
11 FENNEMORE CRAIG
12 3003 N. Central Avenue, Suite 2600
13 Phoenix, Arizona 85012
14 Attorneys for Pine Water Company

15 Christopher Kempley, Chief Counsel
16 LEGAL DIVISION
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, Arizona 85007

20 Ernest G. Johnson
21 Director of Utilities
22 Arizona Corporation Commission
23 1200 W. Washington Street
24 Phoenix, Arizona 85007

25 Arizona Reporting Service, Inc.
26 2627 N. Third Street, Suite Three
27 Phoenix, Arizona 85004-1103

28 By: 
29 Debbi Person
30 Secretary to Dwight D. Nodes