

ORIGINAL



0000013047

1 Richard L. Sallquist (002677)
SALLQUIST & DRUMMOND, P.C.
2 4500 S. Lakeshore Drive, Suite 339
Tempe, Arizona 85282
3 Telephone: (602) 224-9222
Fax: (480) 345-0412
4 Attorneys for Beardsley Water Company

RECEIVED

2004 NOV -5 P 4:43

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

NOV - 5 2004

DOCKETED BY	<i>CM</i>
-------------	-----------

BEFORE THE ARIZONA CORPORATION COMMISSION

6 IN THE MATTER OF THE APPLICATION)
OF BEARDSLEY WATER COMPANY FOR)
7 A CERTIFICATE OF CONVENIENCE AND)
NECESSITY TO PROVIDE WATER)
8 SERVICE IN MARICOPA COUNTY,)
ARIZONA.)
9

DOCKET NO. W-02074A-03-0608

MOTION TO CONTINUE

10 Beardsley Water Company ("Beardsley") hereby files this Motion to Continue the subject
11 Docket for the reasons stated herein.

12 1. On August 26, 2003, Beardsley filed an Application with the Commission requesting
13 a Certificate of Convenience and Necessity ("CC&N") for certain areas within Maricopa County,
14 Arizona, known as Coyote Trails.

15 2. On October 1, 2004, the Staff issued a letter of administrative sufficiency, and a
16 Procedural Order was issued on October 6, 2004 setting this matter for hearing on November 4,
17 2004 at 9:30 AM.

18 3. The area subject to this Application is owned entirely by the developer R. J. Springer
19 Construction, LLC. Counsel for the Company was just informed that the property is subject to a
20 Sales Contract to a homebuilder who will construct homes on the property. That homebuilder
21 has requested an opportunity to review the contractual agreement with the Company prior to
22 proceeding with the requested certification. The property is scheduled to close escrow within 60
23 days.

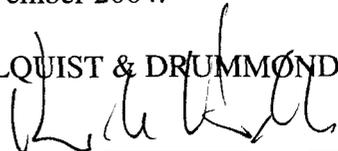
1 4. To accommodate that request, Counsel for the Company has discussed an
2 indefinite continuance of the hearing with Staff Attorney, and Staff has no objection to that
3 continuance.

4 5. The property owners and the Company are aware of the 150-day "time clock"
5 running, and agree to suspend that time clock during the continuance of this matter.

6 6. The Company would propose that upon resolution of any contractual issues with
7 the new property owner, the Company file a Motion to Request a Hearing Date with the Hearing
8 Division, after which the Hearing Division could issue a Procedural Order setting a new hearing
9 date, consider whether it is necessary to re-notice the hearing, and any other matter deemed
10 appropriate by the Administrative Law Judge at that time.

11 WHEREFORE, Beardsley respectfully requests that the Administrative Law Judge
12 continue this matter indefinitely until the Applicant request a hearing on the matter.

13 RESPECTFULLY submitted this 4th day of November 2004.

14 SALLQUIST & DRUMMOND, P.C.
15 By: 
16 Richard L. Sallquist
17 SALLQUIST & DRUMMOND, P.C.
4500 S. Lakeshore Drive, Suite 339
Tempe, AZ 85282
Attorneys for Beardsley Water Company

18 Original and fifteen copies of the
19 foregoing filed this 4th day
of November, 2004:

20 Docket Control
21 Arizona Corporation Commission
1200 West Washington
22 Phoenix, Arizona 85007
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
~

Copies of the foregoing was
faxed and mailed this 4th day of November, 2004:

Hearing Division
Judge Marc Stern
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Utilities Division
James Fisher
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Legal Division
David Ronald
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

