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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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2 COMMISSIONERS

2004 NOV 17 P 2: 25

DOCKETED

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

NOV 17 2004

DOCKETED BY *dk*

8 IN THE MATTER OF THE APPLICATION OF
9 KEATON DEVELOPMENT COMPANY, INC.
10 FOR FINANCING AUTHORIZATION.

DOCKET NO. W-02169A-04-0363

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On May 13, 2004, Keaton Development Company, Inc. ("Keaton" or "Company") filed with
13 the Arizona Corporation Commission ("Commission") an application seeking authorization to incur
14 \$40,000 of long-term debt.

15 On October 18, 2004, the Commission's Utilities Division Staff ("Staff") filed its Staff Report
16 recommending denial of the application based on Staff's conclusion that the incurrence of additional
17 debt by Keaton is not in the public interest.

18 On November 5, 2004, Keaton filed a letter disputing Staff's recommendation, as well as
19 documents the Company contends support approval of its application. Keaton filed additional
20 supporting documentation on November 8, 2004.

21 IT IS THEREFORE ORDERED that a hearing shall be scheduled in this matter for
22 **December 16, 2004, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
23 Phoenix, Arizona.

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

26 IT IS FURTHER ORDERED that Keaton Development Company, Inc. shall serve public
27 notice of the hearing in this matter, in the following form and style:

28 **PUBLIC NOTICE OF HEARING ON APPLICATION BY**
KEATON DEVELOPMENT COMPANY, INC.
FOR FINANCING APPROVAL
DOCKET NO. W-02169A-04-0363

1 On May 13, 2004, Keaton Development Company, Inc. filed with the Arizona
2 Corporation Commission ("Commission") an application seeking authorization to
incur \$40,000 of long-term debt.

3 The application is available for inspection during regular business hours at the
4 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
Arizona and at the Applicant's offices, [insert applicants' addresses].

5 The Commission will hold a hearing on this matter beginning **December 16,**
6 **2004, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
Phoenix, Arizona. Public comments will be taken at the commencement of the
7 hearing.

8 As a property owner or customer you may have the right to intervene in the
9 proceeding and request a hearing. If you do not want to intervene, you may make oral
10 or written comments by contacting the Commission at the above addresses.
11 Intervention shall be permitted to any person entitled by law to intervene and having a
direct and substantial interest in the matter. Persons desiring to intervene must file a
written notice to intervene with the Commission, which motion should be sent to the
Applicant or their counsel and to all parties of record, and which, at the minimum,
shall contain the following:

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

18 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
19 except that all motions to intervene must be filed on or before **December 10, 2004.**
20 The granting of intervention, among other things, entitles a party to present sworn
evidence at hearing and to cross-examine other witnesses. However, failure to
21 intervene will not preclude any customer from appearing at the hearing and making a
statement on such customer's own behalf.

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

25 The Commission does not discriminate on the basis of disability in admission to
26 its public meetings. Persons with a disability may request a reasonable accommodation
such as a sign language interpreter, as well as request this document in an alternative
27 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible to
28 allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that Keaton Development Company, Inc. shall mail to its
2 customers a copy of the notice set forth above by first-class U.S. Mail, to begin as soon as possible
3 and to be completed on or before December 1, 2004.

4 IT IS FURTHER ORDERED that Keaton Development Company, Inc. shall publish the
5 notice set forth above in a newspaper of general circulation in the affected service area, to begin as
6 soon as possible and to be completed on or before December 1, 2004.

7 IT IS FURTHER ORDERED that Keaton Development Company, Inc. shall file certification
8 of mailing/publication as soon as possible after the mailing/publication has been completed, but no
9 later than December 10, 2004.

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

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

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
15 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
16 hearing.

17 DATED this 17th day of November, 2004

18
19 

20 DWIGHT D. NODES
21 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed
23 this 17 day November, 2004 to:

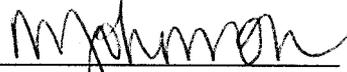
24 William S. Scott
25 KEATON DEVELOPMENT COMPANY, INC.
26 P.O. Box 905
27 66798 Highway 60
28 Salome, Arizona 85348

26 Christopher Kempsey, Chief Counsel
27 Legal Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1003

By: 
Molly Johnson
Secretary to Dwight D. Nodes