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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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Arizona Corporation Commission 25

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MARC SPITZER, Chairman
WILLIAM A. MUNDELL
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MIKE GLEASON
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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
WOODRUFF WATER COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF
WOODRUFF UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. SW-04265A-04-0439

PROCEDURAL ORDER

BY THE COMMISSION:

On June 10, 2004, Woodruff Water Company, Inc. ("WWC") and Woodruff Utility Company, Inc. ("WUC"), each filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and public wastewater utility service, respectively, to various parts of Pinal County, Arizona.

On June 30, 2004, the Commission's Utilities Division ("Staff") issued a notice of insufficiency which indicated that WWC's and WUC's applications had not met the sufficiency requirements of A.A.C. R14-2-411(C), and A.A.C. R14-2-610(C).

On October 7, 2004, Staff issued a letter of administrative completeness to WWC and WUC.

In accordance with A.R.S. § 41-1074(A), the applications herein are deemed administratively complete.

Pursuant to A.A.C. R14-3-101 and A.A.C. R14-3-109, the Commission now issues this Procedural Order to govern the preparation, conduct and consolidation of these proceedings since the issues are substantially the same and rights of the parties will not be prejudiced by this procedure.

IT IS THEREFORE ORDERED that the above-captioned proceedings shall be consolidated for purposes of hearing.

1 IT IS FURTHER ORDERED that a hearing shall commence on November 30, 2004 at 9:30
2 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,
3 Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at
5 hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on November
6 12, 2004.

7 IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits
8 to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m.
9 on November 22, 2004.

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 10, 2004.

12 IT IS FURTHER ORDERED that Cedar Grove Water and Mountain Glen Water Service, Inc.
13 shall each provide public notice of the hearing in this matter, in the following form and style:¹

14 **PUBLIC NOTICE OF THE HEARING FOR [INSERT COMPANY NAME] FOR A**
15 **CERTIFICATE OF CONVENIENCE AND NECESSITY**
[INSERT DOCKET NUMBER]

16 On June 10, 2004, Woodruff Water Company (WWC") and Woodruff Utility
17 Company ("WUC") each filed an application for a Certificate of Convenience and
18 Necessity to provide public water and wastewater utility service, respectively, to
various parts of Pinal County, Arizona.

19 The application is available for inspection during regular business hours at the offices
20 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
and at the Applicant's office, [insert office address].

21 The Commission will hold a hearing on this matter commencing on November 30,
22 2004 at 9:30 a.m., at the Commission's offices, 1200 West Washington Street,
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

23 The law provides for an open public hearing at which, under appropriate
24 circumstances, interested parties may intervene. Intervention shall be permitted to
25 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 motion to intervene with
the Commission, which motion should be sent to Applicant or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

- 26 1. The name, address, and telephone number of the proposed intervenor and of
27

28 ¹ The Applicants are responsible for inserting the appropriate company name and applicable Docket No. in the
specimen public notice above.

1 any party upon whom service of documents is to be made if different than the
2 intervenor.

3 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
4 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).

5 3. A statement certifying that a copy of the motion to intervene has been mailed
6 to the Applicant or its counsel and to all parties of record in the case.

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

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

18 The Commission does not discriminate on the basis of disability in admission to its
19 public meetings. Persons with a disability may request a reasonable accommodation
20 such as a sign language interpreter, as well as request this document in an alternative
21 format, by contacting Yvonne McFarlin, ADA Coordinator, voice phone number
22 602/542-3931, E-mail YMcFarlin@cc.state.az.us. Requests should be made as early
23 as possible to allow time to arrange the accommodation.

24 IT IS FURTHER ORDERED that Woodruff Water Company, Inc. and Woodruff Utility
25 Company, Inc. shall **each** cause the above notice to be published at least once in a newspaper of
26 general circulation in its service territory, with publication to be completed no later than October 31,
27 2004.

28 IT IS FURTHER ORDERED that Woodruff Water Company, Inc. and Woodruff Utility
29 Company, Inc. shall **each** file certification of publication as soon as practicable after the publication
30 has been completed.

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

33 ...
34 ...
35 ...
36 ...
37 ...
38 ...

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

4 DATED this 14TH day of October, 2004.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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6
7
8 Copies of the foregoing mailed/delivered
this 14 day of October, 2004 to:

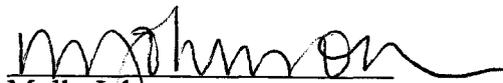
9 Jay L. Shapiro
10 FENNEMORE CRAIG
11 3003 N. Central Avenue, Ste. 2600
12 Phoenix, AZ 85012
13 Attorneys for Woodruff Water Company, Inc. and
14 Woodruff Utility Company, Inc.

15 Christopher Kempley, Chief Counsel
16 Legal Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 Ernest Johnson, Director
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
23 1200 West Washington Street
24 Phoenix, Arizona 85007

25 ARIZONA REPORTING SERVICE, INC.
26 2627 N. Third Street, Suite Three
27 Phoenix, Arizona 85004-1104
28

By:



Molly Johnson
Secretary to Marc Stern