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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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JAN 31 2005

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

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

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WATER COMPANY, AN ARIZONA  
CORPORATION, TO EXTEND ITS EXISTING  
CERTIFICATES OF CONVENIENCE AND  
NECESSITY AT CASA GRANDE AND  
COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-04-0755

REVISED  
FIFTH  
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.

On October 14, 2004, by Procedural Order, a hearing was set in this matter.

On October 19, 2004, Arizona Water Company ("AWC") filed an application to extend its Certificate(s) to include the area in which WWC is seeking a Certificate of provide water service, an

1 application to intervene in the WWC proceeding in the above-captioned matter and a Motion to  
2 Consolidate the proceedings with respect to WWC's application to provide water service.

3 On November 4, 2004, by Procedural Order, AWC was granted intervention, the above-  
4 captioned matters consolidated for purposes of hearing, and a pre-hearing conference scheduled for  
5 November 18, 2004.

6 On November 5, 2004, Staff filed a Motion to Extend because of the issues raised by the  
7 competing applications filed by WWC and AWC with respect to the provision of water service in the  
8 area sought to be certificated herein. Staff requested that the current procedural schedule established  
9 by the Commission's October 14, 2004, Procedural Order in this proceeding be vacated and the time-  
10 frame for the above-captioned proceedings be extended to allow for the review and consideration of  
11 the pending applications in one hearing.

12 On November 10, 2004, AWC filed Joinder in Staff's Motion to Extend. WWC and WUC  
13 filed a response indicating that they did not object to a short delay. WWC and WUC also indicated  
14 that public notice had been provided as previously ordered.

15 On November 10, 2004, by Procedural Order, Staff's Motion to Extend was granted until  
16 Staff issues a letter of administrative completeness to AWC at which time the time-frame will be  
17 restarted. It was further ordered that the pre-hearing conference scheduled for November 18, 2004, go  
18 forward as previously scheduled as well as the hearing scheduled on November 30, 2004, for public  
19 comment to be taken.

20 On November 12, 2004, Staff issued a notice to AWC that its application did not meet the  
21 sufficiency requirements of A.A.C. R14-2-411(C).

22 On November 18, 2004, a pre-hearing conference was convened with WWC, WUC, AWC  
23 and Staff present with counsel.

24 On November 30, 2004, a full public hearing was convened before a duly authorized  
25 Administrative Law Judge at its offices in Phoenix, Arizona. WWC, WUC, AWC and Staff were  
26 present with counsel and public comment was taken.

27 On December 16, 2004, Pulte Home Corporation ("Pulte") filed a Motion to Intervene and  
28 requested expedited consideration of the uncontested extension area. There were no objections to

1 Pulte's Motion to Intervene.

2 On December 30, 2004, by Procedural Order, Pulte was granted intervention in the above-  
3 captioned matters. Its additional request was taken under advisement.

4 On January 4, 2005, AWC filed a Response to the Insufficiency Letter.

5 On January 5, 2005, WWC and WUC filed a copy of their Affidavit of Publication.

6 On January 20, 2005, Staff issued a notice of administrative sufficiency to AWC pursuant to  
7 A.A.C. R14-2-411(C).

8 On January 24, 2005, by Procedural Order, the proceeding was scheduled for hearing on April  
9 18, 2005.

10 On January 27, 2005, Staff filed a Motion to Reschedule Hearing because a key Staff witness  
11 would be unavailable to testify due to a scheduling conflict.

12 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern  
13 the preparation, **rescheduling** and conduct of this proceeding.

14 IT IS THEREFORE ORDERED that a hearing shall commence on **April 20, 2005, at 9:30**  
15 **a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,  
16 Phoenix, Arizona 85007.

17 IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at  
18 hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on March 3,  
19 2005.

20 IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits  
21 to be presented at hearing by Woodruff Water Company, Inc., Woodruff Utility Company, or  
22 Arizona Water Company shall be reduced to writing and filed on or before 4:00 p.m. on March 13,  
23 2005.

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 March 10, 2005.

26 IT IS FURTHER ORDERED that Woodruff Water Company, Inc., Woodruff Utility  
27 Company, Inc. and Arizona Water Company shall provide additional public notice of the hearing in  
28 this matter, in the following form and style:

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

1  
2  
3 On June 10, 2004, Woodruff Water Company, Inc. (WWC") and Woodruff Utility  
4 Company, Inc. ("WUC") each filed an application for a Certificate of Convenience  
5 and Necessity to provide public water and wastewater utility service, respectively, to  
various parts of Pinal County, Arizona.

6 On October 19, 2004, Arizona Water Company ("AWC") filed an application to  
7 extend its Certificate(s) to include the area in which WWC is seeking a Certificate to  
provide water service, and also for additional areas in Pinal County, Arizona.

8 The applications are available for inspection during regular business hours at the  
9 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,  
Arizona and at each respective Applicant's office, [insert office address].

10 The Commission will hold a hearing on this matter commencing on April 20, 2005,  
at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix,  
11 Arizona. Public comments will be taken on the first day of the hearing.

12 The law provides for an open public hearing at which, under appropriate  
13 circumstances, interested parties may intervene. Intervention shall be permitted to  
any person entitled by law to intervene and having a direct and substantial interest in  
14 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:

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

20 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
21 that all motions to intervene must be filed on or before March 10, 2005. The  
granting of intervention, among other things, entitles a party to present sworn  
22 evidence at hearing and to cross-examine other witnesses. However, failure to  
23 intervene will not preclude any customer from appearing at the hearing and making a  
statement on such customer's own behalf.

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

27 The Commission does not discriminate on the basis of disability in admission to its  
public meetings. Persons with a disability may request a reasonable accommodation  
28 such as a sign language interpreter, as well as request this document in an alternative  
format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-

3931, E-mail [lhogan@cc.state.az.us](mailto:lhogan@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Woodruff Water Company, Inc., Woodruff Utility Company, Inc. and Arizona Water Company shall each cause the above notice to be published at least once in a newspaper of general circulation in its service territory, with publication to be completed no later than February 25, 2005.

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

**IT IS FURTHER ORDERED that if any party has provided public notice of the April 18, 2005, hearing date prior to the rescheduling of this proceeding, then public comment will be taken on April 18, 2005, with the evidentiary portion of the proceeding to proceed on April 20, 2005.**

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

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

DATED this 31<sup>st</sup> day of January, 2005.

  
\_\_\_\_\_  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 31 day of January, 2005 to:

Marvin Cohen  
SACKS TIERNEY  
4250 N. Drinkwater Blvd., 4<sup>th</sup> Floor  
Scottsdale, AZ 85251-3900  
Attorneys for Woodruff Water Company, Inc.  
and Woodruff Utility Company, Inc.

...  
...

1 Jeffrey W. Crockett  
2 SNELL & WILMER  
3 400 W. Van Buren  
4 Phoenix, AZ 85004-2202  
5 Attorneys for Woodruff Water Company, Inc.  
6 and Woodruff Utility Company, Inc.

4 Robert W. Geake  
5 ARIZONA WATER COMPANY  
6 P.O. Box 29006  
7 Phoenix, AZ 85038-9006

7 Steven A. Hirsch  
8 BRYAN CAVE, LLP  
9 Two North Central Avenue, Ste. 2200  
10 Phoenix, AZ 85004-4406

9 Denis Fitzgibbons  
10 Coolidge City Attorney  
11 711 E. Cottonwood, Ste. E  
12 Casa Grande, AZ 85230-1208

12 K. Scott McCoy  
13 Casa Grande City Attorney  
14 510 E. Florence Blvd.  
15 Casa Grande, AZ 85222

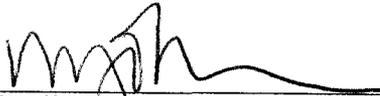
14 Raymond S. Heyman  
15 Michael W. Patten  
16 ROSKA HEYMAN & DeWULF  
17 400 East Van Buren Street, Ste. 800  
18 Phoenix, AZ 85004  
19 Attorneys for Pulte Home Corporation

18 Christopher Kempley, Chief Counsel  
19 Legal Division  
20 ARIZONA CORPORATION COMMISSION  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

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

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

26 By:

27   
28 Molly Johnson  
Secretary to Marc E. Stern