



BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

255A

COMMISSIONERS

2005 MAR -2 P 4: 28

DOCKETED

MAR - 2 2005

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	<i>KJ</i>
-------------	-----------

IN THE MATTER OF DIVERSIFIED WATER UTILITIES, INC. TO EXPAND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO INCLUDE ALL OF SECTION 13, 14, 15, 23 AND THAT PORTION OF SECTION 16 EAST OF RAILROAD TRACKS ALL IN T3S, R83, PINAL COUNTY, ARIZONA.

DOCKET NO. W-02859A-04-0844

IN THE MATTER OF THE APPLICATION OF JOHNSON UTILITIES COMPANY FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

PROCEDURAL ORDER

BY THE COMMISSION:

On November 24, 2004, Diversified Water Utilities, Inc. ("Diversified") filed with the Arizona Corporation Commission ("Commission") an application in Docket No. W-02859A-04-0844 for an extension of its Certificate of Convenience and Necessity ("CC&N") in Pinal County by either amending Decision No. 63690 (September 4, 2001)¹ or alternatively by treating the filing as a new application ("Diversified Application").

On December 3, 2004, Johnson Utilities Company ("Johnson") filed an application ("Johnson Application") for an extension of its CC&N in Pinal County.

On December 7, 2004, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter regarding the Diversified Application describing the additional information needed by Staff to process the application.

On December 9, 2004, Diversified filed an amended legal description for the CC&N area sought in its application.

On January 11, 2005, Staff filed a Sufficiency Letter in the Johnson Application docket.

¹ Decision No. 63690 was amended by Decision No. 64062 (October 4, 2001) and Decision No. 65840 (April 22, 2003).

1 On January 13, 2005, a Procedural Order was issued in the Johnson Application docket
2 scheduling a hearing for April 18, 2005 and directing Johnson to publish notice of the application.

3 On January 14, 2005, Diversified filed an Application to Intervene in the Johnson Application
4 docket on the basis that the Diversified Application is for the same CC&N area sought by Johnson.
5 Johnson filed an Opposition to Diversified's intervention on January 21, 2005.

6 On February 3, 2005, Diversified filed supplemental information in response to Staff's
7 Insufficiency Letter.

8 By Procedural Order issued February 16, 2005, Diversified was granted intervention in the
9 Johnson Application docket.

10 On February 25, 2005, Staff filed a Sufficiency Letter in the Diversified Application docket.
11 Staff also filed on February 25, 2005, a Motion to Consolidate the Diversified and Johnson dockets.

12 On February 28, 2005, Johnson filed a Response to Staff's Motion stating that Johnson does
13 not oppose consolidation of the dockets as long as the April 18, 2005 hearing date is not delayed.

14 On March 1, 2005, Diversified filed a letter stating that it supports consolidation of the
15 dockets and that it would soon be filing a request seeking to continue the hearing date. Diversified
16 also attached a letter from its President, Scott W. Gray, alleging improprieties by Staff in processing
17 the applications.

18 IT IS THEREFORE ORDERED that Docket Nos. W-02859A-04-0844 and WS-02987A-04-
19 0869 shall be consolidated.

20 IT IS FURTHER ORDERED that a Procedural Conference in the consolidated dockets shall
21 be scheduled for March 7, 2005, at 1:30 p.m., at the Commission's offices, 1200 West Washington,
22 Phoenix, Arizona 85007. The purpose of the Procedural Conference will be to discuss dates for filing
23 testimony, discovery timelines, whether the existing April 18, 2005 hearing date should be continued,
24 the basis of the allegations set forth in Diversified's March 1, 2005 filing, and any other procedural
25 matters that the Administrative Law Judge deems appropriate.

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) continues to apply to this proceeding as the matter is scheduled for public hearing.

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

6 Dated this 2nd day of March, 2005

7
8 

9 DWIGHT D. NODES
10 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

11 The foregoing was mailed/delivered
12 this 2nd day of March, 2005 to:

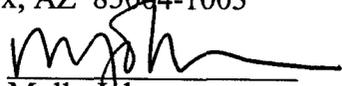
13 William P. Sullivan
14 David M. Lujan
15 Michael A. Curtis
16 CURTIS, GOODWIN, SULLIVAN, UDALL
& SCHWAB
2712 N. 7th Street
Phoenix, AZ 85006-1090
Attorneys for Diversified Water Utilities, Inc.

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 Jay L. Shapiro
18 Patrick J. Black
19 FENNEMORE CRAIG
3003 N. Central Avenue, Ste. 2600
Phoenix, AZ 85012
Attorneys for Johnson Utilities

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

20 By: 
21 Molly Johnson
22 Secretary to Dwight D. Nodes
23
24
25
26
27
28