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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	<i>KV</i>
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IN THE MATTER OF THE APPLICATION OF
BEAVER DAM WATER COMPANY FOR
DELETION OF A PORTION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY IN MOHAVE COUNTY, ARIZONA.

DOCKET NO. W-03067A-04-0216

IN THE MATTER OF THE APPLICATION OF
SUNRISE UTILITIES, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER AND
WASTEWATER SERVICE IN MOHAVE
COUNTY, ARIZONA.

DOCKET NO. WS-04247A-04-0604

PROCEDURAL ORDER

BY THE COMMISSION:

On March 23, 2004, Beaver Dam Water Company ("BDWC") filed with the Arizona Corporation Commission ("Commission") an application requesting the deletion of a small portion of its certificated service area in Mohave County, Arizona. Concurrently with BDWC's filing, Sunrise Utilities, L.L.C. ("Sunrise") filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Commission to provide public water and wastewater utility service to various parts of Mohave County, Arizona, which includes the area included in BDWC's application for deletion.

On August 17, 2004, Sunrise filed an application for a Certificate with the Commission to provide public water and wastewater utility service to various parts of Mohave County, Arizona which included the area including in BDWC's application for deletion. Sunrise's application was assigned Docket No. WS-04247A-04-0217 in this filing.

On July 16, 2004, the Commission issued an Administrative Closure in Decision No. 67122 for this Docket due to an insufficient filing.

On September 15, 2004, the Commission's Utilities Division ("Staff") issued a notice of

1 deficiency to Sunrise that the application had not met the sufficiency requirements of A.A.C. R14-2-
2 411(C).

3 On January 18, 2005, Staff issued a notice that the application had met the sufficiency
4 requirements of A.A.C. R14-2-411(C).

5 On January 21, 2005, in accordance with A.R.S. § 41-1074(A), Sunrise's application herein
6 was deemed administratively complete and pursuant to A.A.C. R14-3-101, the Commission issued a
7 Procedural Order which scheduled a hearing on Sunrise's application on April 26, 2005. However,
8 at that time, no action was taken on BDWC's application for a deletion.

9 On April 20, 2005, BDWC and Sunrise each filed a Motion to Consolidate the above-
10 captioned proceedings. Staff did not oppose the consolidation.

11 On April 26, 2005, a full public hearing was held before a duly authorized Administrative
12 Law Judge of the Commission at its offices in Phoenix, Arizona. Applicant and Staff were present
13 with counsel. BDWC did not enter an appearance. Absent any objections, it was determined that the
14 above-captioned proceedings should be consolidated for purposes of hearing. However, because it
15 became apparent that BDWC had not provided public notice of its application for a deletion, it
16 became necessary to hold the record open for an additional 30 days after the date of the publication of
17 public notice for the Commission to review whether any objections are made to the application for a
18 deletion by BDWC. Accordingly, the time frame should be suspended pursuant to A.A.C. R14-2-411
19 for a period of 30 days from the date of the publication of public notice to review if any objections
20 are filed after which the matter will be taken under advisement pending submission of a
21 Recommended Opinion and Order to the Commission.

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

24 IT IS FURTHER ORDERED that Sunrise Utilities, L.L.C. and/or Beaver Dam Water
25 Company shall provide public notice in a form approved by Staff of the application for a deletion of a
26 portion of the Beaver Dam Water Company's Certificate of Convenience and Necessity.

27 IT IS FURTHER ORDERED that, pursuant to A.A.C. R14-2-411, the time frame shall be
28 suspended for a period of 30 days after publication of notice to review what, if any, objections are

1 filed to the application of Beaver Dam Water Company for the deletion of a portion of its certificated
2 area.

3 IT IS FURTHER ORDERED that Sunrise Utilities, L.L.C. and/or Beaver Dam Water
4 Company shall file certification of publication as soon as practicable after the publication has been
5 completed.

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

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

11 DATED this 29th day of April, 2005


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

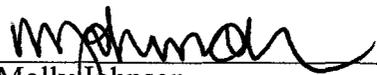
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15 Copies of the foregoing mailed/delivered
this 29th day of May, 2004 to:

16 Beaver Dam Water Company
17 P.O. Box 550
18 Beaver Dam, AZ 86432

19 Richard L. Sallquist
20 SALLQUIST & DRUMMOND
21 2525 E. Arizona Biltmore Circle, Ste. 117
22 Phoenix, AZ 85016
23 Attorneys for Sunrise Utilities, L.L.C.

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

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

27 By: 
28 Molly Johnson
Secretary to Marc Stern