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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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 **EIGHTH 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 WUCS'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

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

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

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

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

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

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

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

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

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

Pulte's Motion to Intervene.

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

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

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

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

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

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

On January 31, 2005, by Revised Procedural Order, the Commission rescheduled the proceeding.

Prior to the rescheduling of the proceeding, AWC filed what was captioned as "Motion for Procedural Order Concerning Prefiled Testimony" ("PF Motion") which requested that a Procedural Order be issued directing the parties to prefile prepared direct and rebuttal testimony and exhibits. Subsequently, Staff filed a response objecting to AWC's PF Motion.

On February 1, 2005, AWC, in support of the PF Motion, filed a reply to Staff's response.

On February 2, 2005, WWC and WUC filed their response supporting Staff's position and argued further that the proceeding would be unduly delayed if AWC's PF Motion is granted.

On February 7, 2005, AWC filed its reply to WWC's and WUC's response.

On February 8, 2005, by Procedural Order, AWC's PF Motion was denied.

On April 18, 2005, during a teleconference arranged by the parties, it was determined that because of the number of witnesses being called to testify by the parties that at least two to three days of hearing time would be required and that the hearing should be continued to a more appropriate date.

On April 19, 20005, by Procedural Order, the timeframe was suspended and the proceeding was continued to May 23, 2005 with additional hearing dates scheduled for May 24 and 25, 2005, if

necessary. Upon review of the scheduled dates, due to the Commission's Open Meeting scheduled for May 24 and 25, 2005, the hearings scheduled for May 24 and 25, 2005 have become subject to change. The hearing scheduled for May 24, 2005 should be vacated and the hearing scheduled for May 25, 2005, remain subject to rescheduling if the Commission holds an Open Meeting on May 25, 2005. Any additional date(s) of hearing to be scheduled will be determined at the hearing on May 23, 2005.

Accordingly, the hearing scheduled for May 24, 2005, should be vacated and the timeframe remain suspended pursuant to A.A.C. R14-2-411.

IT IS THEREFORE ORDERED that the evidentiary portion of the **hearing** shall go forward as scheduled on **May 23, 2005, at 9:30 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that the **hearing** scheduled on **May 24, 2005** shall be **vacated**.

IT IS FURTHER ORDERED that the **hearing** scheduled on **May 25, 2005 at 9:30 a.m.**, shall go forward unless otherwise ordered.

IT IS FURTHER ORDERED that the timeframe rule, A.A.C. R14-2-411, shall remain suspended until further Order.

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 10TH day of May, 2005.

MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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