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BEFORE THE ARIZONA CORPORATION COMMISSION

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>CAR</i>
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IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR WATER
SERVICE.

DOCKET NO. WS-02987A-05-0088

PROCEDURAL ORDER

BY THE COMMISSION:

On February 11, 2005, Johnson Utilities Company ("Johnson" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide water service to a development known as Quail Run in Pinal County, Arizona.

On March 10, 2005, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter listing the areas in the application that Staff determined did not meet the sufficiency requirements set forth in the Arizona Administrative Code ("A.A.C.").

On March 28, 2005, Johnson submitted a letter responding to Staff's Insufficiency Letter.

On April 7, 2005, Staff filed a Letter of Sufficiency.

Pursuant to A.R.S. §41-1074(C), this Application is deemed administratively complete.

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

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall commence on **July 13, 2005 at 1:00 p.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 6, 2005.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or

1 before June 20, 2005.

2 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in
3 this matter, in the following form and style:

4 **PUBLIC NOTICE OF HEARING ON THE**
5 **APPLICATION OF JOHNSON UTILITIES COMPANY**
6 **FOR AN EXTENSION OF ITS CERTIFICATE OF**
7 **CONVENIENCE AND NECESSITY FOR WATER SERVICE**
8 **(WS-02987A-05-0088)**

9 On February 11, 2005, Johnson Utilities Company ("Applicant") filed an Application
10 with the Arizona Corporation Commission ("Commission") for an extension of its
11 Certificate of Convenience and Necessity to provide water service to an area
12 encompassing a development known as Quail Run in Pinal County. If the Application is
13 granted, the Applicant would be the exclusive provider of water to the area, and would be
14 required by the Commission to provide service under rates and charges and terms and
15 conditions established by the Commission. The Application is available for inspection
16 during regular business hours at the offices of the Commission in Phoenix, at 1200 West
17 Washington Street, Phoenix, Arizona, and at the offices of the Company, [insert address].

18 The Commission will hold a hearing on this matter beginning on **July 13, 2005, at 1:00**
19 **p.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.
20 Public comment will be taken on the first day of the hearing.

21 The law provides for an open public hearing at which, under appropriate circumstances,
22 interested parties may intervene. Intervention shall be permitted to any person entitled by
23 law to intervene and having a direct and substantial interest in the matter. Persons
24 desiring to intervene must file a written motion to intervene with the Commission, which
25 motion should be sent to the Applicants or its counsel and to all parties of record, and
26 which, at the minimum, shall contain the following:

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

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that
all motions to intervene must be filed on or before June 6, 2005. The granting of
intervention, among other things, entitles a party to present sworn evidence at hearing
and to cross-examine other witnesses. Failure to intervene will not preclude any potential
customer from appearing at the hearing and making a statement on such person's own
behalf. You will not, however, receive any further notice of the proceeding unless
requested by you.

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 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

1 Lhogan@admin.cc.state.az.us. Requests should be made as early as possible to allow
2 time to arrange the accommodation.

3 IT IS FURTHER ORDERED that the Applicant shall publish notice of the Application in a
4 newspaper of general circulation in the proposed extension area and shall mail to each property
5 owner in the requested extension area a copy of the above notice by May 13, 2005.

6 IT IS FURTHER ORDERED that the Applicant shall file certification of mailing as soon as
7 practical after the mailing has been completed but not later than June 6, 2005.

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

10 IT IS FURTHER ORDERED that Staff shall file a Staff Report by June 6, 2005.

11 IT IS FURTHER ORDERED that the Applicant shall file any objections to the Staff Report
12 by June 20, 2005.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
14 Communications) applies to this proceeding as the matter is now set for public hearing.

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

18 DATED this 12th day of April, 2005.

19 

20 DWIGHT D. NODES
21 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

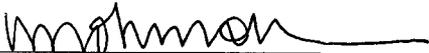
22
23 Copies of the foregoing mailed/delivered
24 this 12 day of April, 2005 to:

25 Jay L. Shapiro
26 Patrick J. Black
27 FENNEMORE CRAIG
28 3003 N. Central Avenue, Ste. 2600
Phoenix, AZ 85012
Attorneys for Johnson Utilities Company

1 Christopher Kempley, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Ernest G. Johnson, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 ARIZONA REPORTING SERVICE, INC.
12 2627 N. Third Street, Suite Three
13 Phoenix, Arizona 85004-1104

14 By: 
15 Molly Johnson
16 Secretary to Dwight D. Nodes
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