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BEFORE THE ARIZONA CORPORATION COMMISSION

25

COMMISSIONERS

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

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

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STAFF OF THE UTILITIES DIVISION,

DOCKET NO. W-02105A-04-0880

Complainant,

vs.

MOUNT TIPTON WATER COMPANY, INC.

Respondent.

IN THE MATTER OF THE APPLICATION OF  
MOUNT TIPTON WATER COMPANY, INC. FOR  
A RATE INCREASE.

DOCKET NO. W-02105A-03-0303

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 10, 2004, the Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") filed a Complaint against Mount Tipton Water Company ("Mt. Tipton") alleging Mt. Tipton has not complied with various conditions set forth in Decision No. 67162 (August 11, 2004).

Mt. Tipton failed to timely file an Answer to the Complaint.

By Procedural Order issued February 15, 2005, a pre-hearing conference was scheduled for the purpose of discussing the procedures governing this matter.

On March 24, 2005, following a pre-hearing conference held on March 10, 2005, a Procedural Order was issued setting a status conference to be held on April 29, 2005, unless Complainant had filed a motion to withdraw the complaint by April 28, 2005.

No motion to withdraw was filed.

The status conference was convened as scheduled on April 29, 2005. Staff appeared through counsel and Respondent appeared through the Secretary of its Board of Directors. Staff reported that Respondent has been working diligently to cure its non-compliance with Decision No. 67162, but

1 that Staff had not withdrawn its Complaint because Staff believes issues remain regarding Counts V  
2 (hook-up fee reporting requirements) and VI (filing a copy of its general ledger) of the Complaint.  
3 Staff recommended that another status conference be set for 60 days in order to allow time for  
4 Respondent to cure the alleged lack of compliance with the remaining requirements of Commission  
5 Decision No. 67172. Respondent provided assurance at the status conference that hook-up fee funds  
6 are being placed in a segregated account as required by Decision No. 67172 and are not being used to  
7 pay operating expenses. Respondent agreed that 60 days should provide adequate time for it to make  
8 filings to bring it into compliance with Decision No. 67172.

9 Staff's request to hold a status conference in 60 days is reasonable and should be adopted

10 IT IS THEREFORE ORDERED that, unless Complainant has filed a motion to withdraw the  
11 above-captioned Complaint prior to June 28, 2005, a second status conference on the Complaint shall  
12 be held on **June 29, 2005, at 1:30 p.m.**, at the Commission's offices, 1200 West Washington Street,  
13 Phoenix, Arizona.

14 Dated this 2d day of May, 2005

17  
18   
TEENA WOLFE  
19 ADMINISTRATIVE LAW JUDGE

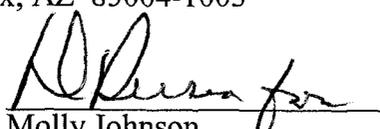
20 The foregoing was mailed/delivered  
this 2nd day of May, 2005 to:

21 Kelly Schwab  
22 William Thompson  
MOUNT TIPTON WATER COMPANY,  
23 INC.  
15996 N. Ironwood Drive  
24 P.O. Box 38  
Dolan Springs, AZ 86441

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

25 Christopher Kempley, Chief Counsel  
26 Legal Division  
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ARIZONA REPORTING SERVICE  
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Phoenix, AZ 85004-1003

28 By:   
Molly Johnson  
Secretary to Teena Wolfe