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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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JUN - 3 2005

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	<i>CM</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. After these matters were addressed, the matter was taken under advisement
19 pending submission of a Recommended Opinion and Order to the Commission.

20 On April 29, 2005, by Procedural Order, the proceeding was consolidated for purposes of
21 hearing and BDWC and Sunrise were ordered to provide public notice in a form approved by Staff of
22 the application for a deletion of a portion of BDWC's Certificate. It was further ordered that the
23 timeframe be suspended for a period of 30 days after certification of said notification is provided to
24 review if any objections are filed to the proposed deletion by BDWC.

25 As of June 2, 2005, certification of notice has not been filed and upon further review of the
26 proceedings, Sunrise has not yet late-filed an exhibit in the form of an additional request for service
27 for a 40 acre parcel be included in the area for which it is seeking a Certificate.

28 Accordingly, the certification of notice should be filed as soon as possible and Sunrise should

1 also late-file an exhibit which completely and correctly includes all requests for water and wastewater
2 service together with an accurate legal description for the area sought to be certificated which may be
3 reviewed and verified by Staff with a subsequent filing in this docket in a timely fashion that the legal
4 description represents those parcels which are requesting service. Lastly, due to these complicating
5 factors, the timeframe should be suspended until further Order.

6 IT IS THEREFORE ORDERED that Sunrise Utilities, L.L.C. and/or Beaver Dam Water
7 Company shall give public notice of the deletion of a portion of Beaver Dam Water Company's
8 Certificate of Convenience and Necessity in an approved form as previously ordered and certification
9 of same shall be filed as soon as practicable after the publication has been completed.

10 IT IS FURTHER ORDERED that Sunrise Utilities, L.L.C. shall file as a late-filed exhibit all
11 requests for water and wastewater service together with the respective legal description for the
12 requested areas.

13 IT IS FURTHER ORDERED that, upon the filing of the late-filed exhibit by Sunrise Utilities,
14 L.L.C., Staff shall review same and shall file verification that the requested areas for water and
15 wastewater of service correlate with the legal description.

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

18 IT IS FURTHER ORDERED that, pursuant to A.A.C. R14-2-411, the time frame shall be
19 suspended until further Order.

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

23 DATED this 3rd day of June, 2005


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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1 Copies of the foregoing mailed/delivered
this 5 day of June, 2004 to:

2 Beaver Dam Water Company
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By: 
Molly Johnson
Secretary to Marc Stern