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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

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COMMISSIONERS

2005 JUN -3 A 8:07

DOCKETED

JUN - 3 2005

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

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.

By Procedural Order issued April 12, 2005, a hearing was scheduled in this matter for July 13, 2005, at the offices of the Commission.

On May 12, 2005, counsel for Johnson, Jay Shapiro of Fennemore Craig, P.C., filed a "Notice of Withdrawal as Counsel of Record" ("Notice of Withdrawal"). The Notice of Withdrawal stated that Richard Sallquist will be taking over representation of Johnson and all future correspondence should be directed to Mr. Sallquist.

Although the Notice of Withdrawal appears to assume that the proposed change of counsel may be accomplished without further action, the Commission's rules clearly require that such a request must be approved by the Commission. A.A.C. R14-3-104(E) states:

Withdrawal of attorney. The Commission or presiding officer *may* permit the withdrawal of an attorney from any proceeding *upon written application and good cause shown* under such terms, conditions, and notices to clients and other parties as the Commission or presiding officer may direct. Oral application for withdrawal may be made during any open proceeding which is being recorded. (emphasis added)

1 This rule contemplates that withdrawal is permitted only with the approval of the
2 Commission or the Administrative Law Judge following submission of an "application" and
3 explanation why "good cause" exists for granting such application. Simply filing a Notice of
4 Withdrawal does not satisfy the requirements of the rule and, absent the Commission's approval, Mr.
5 Shapiro continues to be Johnson's counsel of record for this proceeding.

6 IT IS THEREFORE ORDERED that counsel of record for Johnson Utilities Company, Jay
7 Shapiro of Fennemore Craig, P.C., shall file by June 17, 2005 an Application for Withdrawal as
8 Counsel which includes an explanation of the reason for the proposed withdrawal and why good
9 cause exists to grant the request.

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

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

15 DATED this 3rd day of June, 2005.

17 
18 _____
19 DWIGHT D. NODES
20 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
22 this 3 day of June, 2005 to:

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

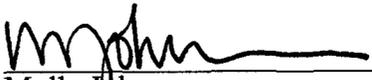
Richard Sallquist
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...

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3 Phoenix, Arizona 85007

4 Ernest G. Johnson, Director
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7

8 By: 
9 Molly Johnson
Secretary to Dwight D. Nodes

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