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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

2005 JUN -8 A 9 24

DOCKETED

JEFF HATCH-MILLER, Chairman

JUN - 8 2005

WILLIAM A. MUNDELL

AZ CORP COMMISSION DOCUMENT CONTROL

MARC SPITZER

DOCKETED BY [Signature]

MIKE GLEASON

KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY, AN ARIZONA CORPORATION, FOR ADJUSTMENTS TO ITS RATES AND CHARGES FOR UTILITY SERVICE FURNISHED BY ITS WESTERN GROUP AND FOR CERTAIN RELATED APPROVALS.

DOCKET NO. W-01445A-04-0650

PROCEDURAL ORDER

BY THE COMMISSION:

On September 8, 2004, Arizona Water Company ("AWC" or "Company") filed an application with the Arizona Corporation Commission ("Commission") to adjust its rates and charges for utility service provided by the Applicant's Western Group.

A Procedural Order was issued on November 15, 2005, setting the procedural schedule for the hearing on the application.

On April 12, 2005, a Procedural Order was issued rescheduling the pre-hearing conference in this matter from June 13, 2005 to June 10, 2005; rescheduling the date for the filing of rejoinder testimony from June 9, 2005 to June 8, 2005; and changing the deadline for objections to pre-filed testimony to the new pre-hearing conference date of June 10, 2005.

On May 19, 2005, the Commission's Utilities Division Staff ("Staff") filed a Notice of Settlement Negotiations on the issue of the Company's past, present and future costs associated with its Central Arizona Project water allotments.

On June 6, 2005, AWC, the Residential Utility Consumer Office ("RUCO") and Staff appeared at the request of AWC at a procedural conference, at which AWC requested authority to file its rejoinder testimony on June 10, 2005 by noon. AWC stated that it had contacted counsel for intervenors Pivotal Group, Inc. and the City of Casa Grande, and had authority to report that those parties were not opposed to the Company's request. AWC explained that its request is prompted by an unforeseen delay in a separate pending proceeding and also by the possibility of reaching a

1 settlement on a large issue in this case. AWC explained that the rejoinder testimony of multiple  
2 witnesses might be affected if a settlement is reached.

3 At the procedural conference, RUCO stated that an extension of the date for filing rejoinder  
4 testimony without a corresponding continuation of the hearing date would hinder its ability to prepare  
5 for the hearing in this proceeding.

6 During the Procedural Conference, the parties present agreed to a short continuance of both  
7 the pre-hearing conference and the commencement of the hearing, in conjunction with the requested  
8 delay in filing rejoinder testimony. RUCO proposed a two day delay of the hearing.

9 On June 7, 2005, a Second Rate Case Procedural Order was issued granting a one day delay in  
10 the hearing, and moving the Pre-Hearing Conference and deadline for objection to pre-filed  
11 testimony to June 16, 2005, following the conclusion of any public comment on that date, which was  
12 the date that the hearing had been scheduled to commence. The Procedural Order stated that if  
13 further continuance of the hearing is required, the parties may request it at the Pre-Hearing  
14 conference.

15 Also on June 7, 2005, intervenor the City of Casa Grande ("City") filed a Request for  
16 Reinstatement of Original Pre-Hearing Conference and One Day Continuation of Hearing Date  
17 ("Request"). The Request stated that although it had conveyed to counsel for AWC the City's  
18 willingness to agree to extend the rejoinder testimony due date by two days, the City was not aware  
19 that a procedural conference was to be held on June 6, 2005. The City requests an additional day of  
20 delay in the commencement of the hearing, and that the Pre-Hearing Conference be moved back to  
21 June 10, 2005, in order to allow the City's expert witness to have advance notice of when witnesses  
22 will take the stand, and to accordingly coordinate his travel schedule with the witness schedule,  
23 which is normally discussed at pre-hearing conferences. The City states that its request for an  
24 additional day of delay in the hearing is warranted due to ongoing settlement discussions.

25 A Procedural Conference should be held to afford the parties the opportunity to address the  
26 City's Request.

27 ...

28 ...

1 IT IS THEREFORE ORDERED that a Procedural Conference shall be held in this matter  
2 **June 10, 2005, at 1:30 p.m.**, or as soon thereafter as practicable, at the Commission's Phoenix  
3 offices, 1200 West Washington, Phoenix, Arizona, 85007.

4 IT IS FURTHER ORDERED that the Ex Parte Rule applies to this proceeding and shall  
5 remain in effect until the Commission's Order in this matter is final and non-appealable.

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 Dated this 8<sup>th</sup> day of June, 2005

9  
10   
11 TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

12 The foregoing was mailed and delivered via facsimile  
13 or by hand this 8 day of June, 2005 to:

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