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BEFORE THE RECEIVED CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

2005 JUN 15 A 11:19

DOCKETED

JEFF HATCH-MILLER, Chairman

JUN 15 2005

WILLIAM A. MUNDELL

AZ CORP COMMISSION  
DOCUMENT CONTROL

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MIKE GLEASON

KRISTIN K. MAYES

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| DOCKETED BY | <i>KJ</i> |
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IN THE MATTER OF THE APPLICATION OF  
CAVE CREEK WATER COMPANY TO EXTEND  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-01452A-04-0810

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 12, 2004, Cave Creek Water Company ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water utility service to various parts of Maricopa County, Arizona.

On December 7, 2004, pursuant to A.A.C. R14-2-411, the Commission's Utilities Division ("Staff") issued a notice of insufficiency.

On April 26, 2005, the Town of Cave Creek ("Town") filed a Request to Intervene ("Request") in the proceeding. No objections to the Town's Request were filed.

On May 9, 2005, by Procedural Order, the Town's Request was granted.

On June 8, 2005, Staff issued a sufficiency letter pursuant to A.A.C. R14-2-411.

In accordance with A.R.S. § 41-1074(A), the application herein 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 a hearing shall commence on August 23, 2005, at 9:30 a.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 the Staff Report and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on July 20,

1 2005.

2 IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits  
3 to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m.  
4 on July 27, 2005.

5 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
6 except that all motions to intervene must be filed on or before July 29, 2005.

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

9 **PUBLIC NOTICE OF THE HEARING FOR**  
10 **CAVE CREEK WATER COMPANY FOR AN EXTENSION OF ITS**  
11 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
**(W-01452A-04-0810)**

12 On November 12, 2004, Cave Creek Water Company ("Applicant") filed an  
13 application for an extension of its CC&N to various parts of Maricopa County,  
14 Arizona.

15 The application is available for inspection during regular business hours at the offices  
16 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona  
17 and at the Applicant's office, [insert office address].

18 The Commission will hold a hearing on this matter commencing on August 23,  
19 2005, at 9:30 a.m. at the Commission's offices, 1200 West Washington Street,  
20 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

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

- 27 1. The name, address, and telephone number of the proposed intervenor and of  
28 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 Applicant, a shareholder of Applicant, a competitor, etc.).
- 3. A statement certifying that a copy of the motion to intervene has been mailed  
to the Company or its counsel and to all parties of record in the case.

29 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
30 that all motions to intervene must be filed on or before July 29, 2005. The granting  
31 of intervention, among other things, entitles a party to present sworn evidence at  
32 hearing and to cross-examine other witnesses. However, failure to intervene will not  
33 preclude any customer from appearing at the hearing and making a statement on

such customer's own behalf.

If you have any questions or concerns about this application or have any objections to its approval, or wish to make a statement in support of it, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

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 [lhogan@cc.state.az.us](mailto:lhogan@cc.state.az.us). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at least once in a newspaper of general circulation in its service territory, with publication to be completed no later than July 5, 2005.

IT IS FURTHER ORDERED that Applicant shall file certification of publication as soon as practicable after the publication has been completed.

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

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

DATED this 15<sup>th</sup> day of June, 2005

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 15<sup>th</sup> day of June, 2005 to:

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11 Attorneys for the Town of Cave Creek

12 Christopher Kempley, Chief Counsel  
13 Legal Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, Arizona 85007

17 Ernest Johnson, Director  
18 Utilities Division  
19 ARIZONA CORPORATION COMMISSION  
20 1200 West Washington Street  
21 Phoenix, Arizona 85007

22 ARIZONA REPORTING SERVICE, INC.  
23 2627 N. Third Street, Suite Three  
24 Phoenix, Arizona 85004-1104

25  
26  
27  
28  
By:



Debbi Person  
Secretary to Marc Stern