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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED DOCKETED 254

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

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AZ CORP COMMISSION  
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5 IN THE MATTER OF THE APPLICATION OF  
6 CAVE CREEK WATER COMPANY TO EXTEND  
7 ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY (PARCEL NO. 216-29-002A).

DOCKET NO. W-01452A-05-0082

8 IN THE MATTER OF THE APPLICATION OF  
9 CAVE CREEK WATER COMPANY TO EXTEND  
ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY (PARCEL NO. 211-99-006).

DOCKET NO. W-01452A-04-0810

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11  
12 On November 12, 2004, Cave Creek Water Company ("Company" or "Applicant") filed with  
13 the Arizona Corporation Commission ("Commission") an application for an extension of its  
14 Certificate of Convenience and Necessity ("Certificate") to provide public water utility service to  
15 Parcel No. 211-99-006 ("Parcel 211") in Maricopa County, Arizona.

16 On February 9, 2005, the Company filed with the Commission another application for an  
17 extension of its Certificate to provide public water utility service to Parcel No. 216-29-002A ("Parcel  
18 216") in Maricopa County, Arizona.

19 In accordance with A.R.S. § 41-1074(C), the Company's application in Docket No. W-  
20 01452A-05-0082 for Parcel 216 was deemed sufficient.

21 On March 15, 2005, by Procedural Order, a hearing was scheduled to commence on the  
22 Company's application on Parcel 216 in Docket No. W-01452A-05-0082 on May 5, 2005.

23 On April 4, 2005, the Company filed certification that it had provided public notice of the  
24 proceeding in Docket No. W-01452A-05-0082 pursuant to the Commission's Procedural Order.

25 On May 5, 2005, a hearing was held in Docket No. W-01452A-05-0082 for the taking of  
26 public comment only with the evidentiary portion of the proceeding continued until June 28, 2005.

27 In accordance with A.R.S. § 41-1074(A), the Company's application in Docket No. W-  
28 01452A-04-0810 for Parcel 211 was deemed sufficient.

1 On June 15, 2005, by Procedural Order, a hearing was scheduled to commence on the  
2 Company's application on Parcel No. 211 in Docket No. W-01452A-04-0810 on August 23, 2005.

3 In both proceedings, the Town of Cave Creek ("Town") filed requests for intervention which  
4 were granted without objection.

5 On June 16, 2005, the Company filed a Motion to Consolidate ("Motion") in both of the  
6 above-captioned proceedings. The Company has requested that the June 28, 2005, evidentiary  
7 hearing scheduled in Docket No. W-01452A-05-0082 be vacated and the proceeding consolidated in  
8 the hearing presently scheduled in Docket No. W-01452A-04-0810 which is scheduled for hearing on  
9 August 23, 2005. Applicant points out in its Motion(s) that it would be prudent and in the public  
10 interest to conserve the time and resources of the parties in both Dockets to consolidate these matters  
11 into one proceeding. The Company has indicated that it has contacted the Commission's Utilities  
12 Division ("Staff") and the Town with respect to the respective Motion(s) and that neither party  
13 objects to the consolidation of these proceedings. Lastly, the Company has agreed to waive any time-  
14 clock requirements or deadlines necessary to facilitate the consolidation of the proceedings.

15 Accordingly, the Company's Motion should be granted and the above-captioned proceedings  
16 consolidated for purposes of hearing. The hearing presently scheduled in Docket No. W-01452A-05-  
17 0082 should be vacated and the time-clock requirements of the proceedings should be suspended.  
18 Lastly, the public notice previously required in the Procedural Order with respect to Docket No. W-  
19 01452A-04-0810 should be revised and made in the form which follows with respect to the  
20 consolidated proceeding.

21 Pursuant to A.A.C. R14-3-101 and R14-3-109, the Commission now issues this Procedural  
22 Order to govern the preparation and conduct on this proceeding.

23 IT IS THEREFORE ORDERED that the Motion(s) to Consolidate by Cave Creek Water  
24 Company in the above-captioned proceedings are hereby granted.

25 IT IS FURTHER ORDERED that the **hearing** with respect to Docket No. W-01452A-05-  
26 0082 presently scheduled for **June 28, 2005, at 9:30 a.m. shall be vacated.**

27 IT IS FURTHER ORDERED that pursuant to A.A.C. R14-2-411, the time-frame in this  
28 proceeding shall be suspended until further Order.

1 IT IS FURTHER ORDERED that the **hearing** with respect to the above-captioned  
2 applications shall commence on **August 23, 2005, at 9:30 a.m.**, or as soon thereafter as is practical,  
3 at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that all filing dates with respect to the Staff Report or any  
5 objections by any party shall remain as previously scheduled by the Procedural Order of June 15,  
6 2005, in Docket No. W-01452A-04-0810.

7 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
8 except that all Motions to Intervene must be filed on or before July 29, 2005.

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

11 **PUBLIC NOTICE OF THE HEARING FOR**  
12 **CAVE CREEK WATER COMPANY FOR EXTENSIONS OF ITS**  
13 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
**(W-01452A-05-0082 and W-01452A-04-0810)**

14 On November 12, 2004 and on February 9, 2005, Cave Creek Water Company  
15 ("Applicant") filed applications for extensions of its CC&N to various parts of  
16 Maricopa County, Arizona.

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

20 The Commission will hold a hearing on this matter commencing on **August 23,**  
21 **2005, at 9:30 a.m.** at the Commission's offices, 1200 West Washington Street,  
22 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

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

1. The name, address, and telephone number of the proposed intervenor and of 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.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except

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that all motions to intervene must be filed on or before July 29, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not 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 17<sup>th</sup> day of June, 2005

  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered  
2 this 17 day of June, 2005 to:

3 Raymond S. Heyman  
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7 400 E. Van Buren, Suite 800  
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9 Attorneys for Cave Creek Water Company

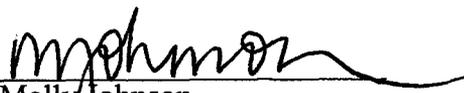
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16 Ernest Johnson, Director  
17 Utilities Division  
18 ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

19 ARIZONA REPORTING SERVICE, INC.  
20 2627 N. Third Street, Suite Three  
21 Phoenix, Arizona 85004-1104

22 By:   
23 Molly Johnson  
24 Secretary to Marc Stern

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27  
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