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BEFORE THE ARIZONA CORPORATION COMMISSION

254m

COMMISSIONERS

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

2005 JUN 21 P 2: 28

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JUN 21 2005

DOCKETED BY	KJ
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IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES COMPANY, L.L.C. FOR  
AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER AND WASTEWATER  
SERVICE.

DOCKET NO. WS-02987A-04-0288

PROCEDURAL ORDER

**BY THE COMMISSION:**

On April 14, 2004, Johnson Utilities Company, L.L.C. ("Johnson"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and wastewater utility service to various parts of Pinal County, Arizona.

The hearing in this matter was conducted in this matter on April 19, 2005. At the conclusion of the hearing, the Commission's Utilities Division's ("Staff's") witness stated that if Johnson was able to submit an approval of construction from the Arizona Department of Environmental Quality ("ADEQ") for the estimated 890 gallons per minute Morning Sun Farms well in the near future, Staff's concern that Johnson lacked sufficient capacity to serve its existing customers would be satisfied (Tr. 223-224).

On May 12, 2005, counsel for Johnson, Jay Shapiro of Fennemore Craig, P.C., filed a Notice of Withdrawal as Counsel of Record. 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.

By Procedural Order issued June 2, 2005, counsel for record for Johnson Utilities Company, Jay Shapiro of Fennemore Craig, P.C., was ordered to file an Application for Withdrawal as Counsel in accordance with the requirements of A.A.C. R14-3-104(E). Because Johnson's witness represented at the hearing that ADEQ approval of the Morning Sun Farms well was imminent, the

1 June 2, 2005 Procedural Order also kept the record in this matter open for an additional 90 days from  
2 the date of the Procedural Order to allow Johnson additional time to submit the necessary approvals  
3 associated with the Morning Sun Farms well.

4 On June 8, 2005, Mr. Shapiro filed an Application of Withdrawal as Counsel stating that  
5 withdrawal is necessary and in the public interest because Mr. Shapiro is not authorized to act on  
6 behalf of Johnson Utilities and has been instructed to withdraw as counsel, and because Mr. Sallquist  
7 has already been retained to represent Johnson.

8 On June 9, 2005, Johnson filed copies of the ADEQ Approval of Construction for the  
9 Morning Sun Farms Well No. 1 and ADEQ approval issued June 3, 2005. Johnson also attached  
10 applications for Approval to Construct Crestfield Well Nos. 1 and 2, which were filed with ADEQ by  
11 Johnson on May 26, 2005.

12 On June 13, 2005, Richard Sallquist of the firm Sallquist & Drummond, P.C., filed an  
13 Application for Substitution of Counsel requesting authorization to appear on behalf of Johnson in  
14 this matter.

15 On June 13, 2005, Mr. Sallquist also filed a Motion to Expedite requesting that the 90-day  
16 time clock extension granted in the June 2, 2005 Procedural Order should be shortened to 15 days,  
17 based on Johnson's submission of the Morning Sun Farm well approval.

18 IT IS THEREFORE ORDERED that Jay Shapiro and the firm Fennemore Craig, P.C., are  
19 authorized to withdraw as counsel for Johnson Utilities Company in this proceeding and Richard  
20 Sallquist of the firm Sallquist & Drummond, P.C., shall be authorized to appear on behalf of Johnson  
21 Utilities Company.

22 IT IS FURTHER ORDERED that Staff shall file a response to the Morning Sun Farms Well  
23 No. 1 data and the Motion to Expedite by no later than June 28, 2005.

24 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
25 Communications) continues to apply to this proceeding.

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

4 DATED this 21<sup>st</sup> day of June, 2005



DWIGHT D. NODES  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

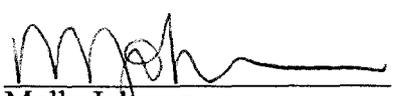
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8 Copies of the foregoing mailed/delivered  
this 21 day of June, 2005 to:

9 Jay L. Shapiro  
10 FENNEMORE CRAIG  
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13 SALLQUIST & DRUMMOND  
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18 Ernest Johnson, Director  
19 Utilities Division  
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21  
22 By:   
23 Molly Johnson  
24 Secretary to Dwight D. Nodes  
25  
26  
27  
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