

ORIGINAL



0000021663

BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission

256m

COMMISSIONERS

2005 JUN 21 P 1:07

DOCKETED

JUN 21 2005

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY *KJ*

IN THE MATTER OF DIVERSIFIED WATER UTILITIES, INC. TO EXPAND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO INCLUDE ALL OF SECTION 13, 14, 15, 23 AND THAT PORTION OF SECTION 16 EAST OF RAILROAD TRACKS ALL IN T3S, R83, PINAL COUNTY, ARIZONA.

DOCKET NO. W-02859A-04-0844

IN THE MATTER OF THE APPLICATION OF JOHNSON UTILITIES COMPANY FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER SERVICE.

DOCKET NO. WS-02987A-04-0869

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 24, 2004, Diversified Water Utilities, Inc. ("Diversified") filed with the Arizona Corporation Commission ("Commission") an application in Docket No. W-02859A-04-0844 for an extension of its Certificate of Convenience and Necessity ("CC&N") in Pinal County by either amending Decision No. 63690 (September 4, 2001)<sup>1</sup> or alternatively by treating the filing as a new application ("Diversified Application").

On December 3, 2004, Johnson Utilities Company ("Johnson") filed an application ("Johnson Application") for an extension of its CC&N in Pinal County. The area sought by Johnson overlaps with a portion of the extension area requested by Diversified.

By Procedural Order issued March 2, 2005, the above-captioned dockets were consolidated.

By Procedural Order issued May 11, 2005, Johnson's Motion to Continue the hearing date was granted, and a Procedural Conference was scheduled for October 17, 2005 to address the status of the consolidated proceedings.

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

<sup>1</sup> Decision No. 63690 was amended by Decision No. 64062 (October 4, 2001) and Decision No. 65840 (April 22, 2003).

1 of Withdrawal as Counsel of Record. The Notice of Withdrawal stated that Richard Sallquist will be  
2 taking over representation of Johnson and all future correspondence should be directed to Mr.  
3 Sallquist.

4 By Procedural Order issued June 3, 2005, counsel for record for Johnson Utilities Company,  
5 Jay Shapiro of Fennemore Craig, P.C., was ordered to file an Application for Withdrawal as Counsel  
6 in accordance with the requirements of A.A.C. R14-3-104(E).

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

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

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

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

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

23 Dated this 21<sup>st</sup> day of June, 2005

24  
25   
26 \_\_\_\_\_  
27 DWIGHT D. NODES  
28 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

1 The foregoing was mailed/delivered  
this 21 day of June, 2005 to:

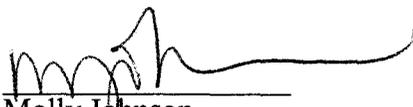
2 William P. Sullivan  
3 Michael A. Curtis  
4 CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB  
5 2712 N. 7<sup>th</sup> Street  
6 Phoenix, AZ 85006-1090  
7 Attorneys for Diversified Water Utilities, Inc.

8 Jay L. Shapiro  
9 Patrick J. Black  
10 FENNEMORE CRAIG  
11 3003 N. Central Avenue, Ste. 2600  
12 Phoenix, AZ 85012  
13 Attorneys for Johnson Utilities Company

14 Richard Sallquist  
15 SALLQUIST & DRUMMOND  
16 4500 S. Lakeshore Drive, Ste. 339  
17 Tempe, AZ 85282

18 Christopher Kempley, Chief Counsel  
19 Legal Division  
20 ARIZONA CORPORATION COMMISSION  
21 1200 West Washington Street  
22 Phoenix, AZ 85007

23 Ernest G. Johnson, Director  
24 Utilities Division  
25 ARIZONA CORPORATION COMMISSION  
26 1200 West Washington Street  
27 Phoenix, AZ 85007

28 By:   
Molly Johnson  
Secretary to Dwight D. Nodes