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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

JUN 21 2005

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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)¹ 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

¹ 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 21st day of June, 2005

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25 

26 DWIGHT D. NODES
27 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

28 ...
...

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. 7th Street
6 Phoenix, AZ 85006-1090
7 Attorneys for Diversified Water Utilities, Inc.

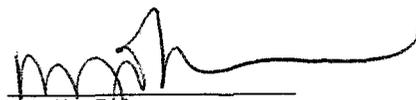
8 Jay L. Shapiro
9 Patrick J. Black
10 FENNEMORE CRAIG
11 3003 N. Central Avenue, Ste. 2600
12 Phoenix, AZ 85012
13 Attorneys for Johnson Utilities Company

14 Richard Sallquist
15 SALLQUIST & DRUMMOND
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18 Christopher Kempley, Chief Counsel
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23 Ernest G. Johnson, Director
24 Utilities Division
25 ARIZONA CORPORATION COMMISSION
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28 By:


Molly Johnson
Secretary to Dwight D. Nodes