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BEFORE THE ARIZONA CORPORATION COMMISSION

25 FD

Arizona Corporation Commission

COMMISSIONERS

2005 JUN 29 P 4: 32

DOCKETED

JUN 29 2005

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
BELLA VISTA RANCHES, INC. DBA BELLA
VISTA SEWER COMPANY TO CANCEL ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. SW-02454A-05-0366

PROCEDURAL ORDER

BY THE COMMISSION:

On May 19, 2005, Bella Vista Ranches, Limited Liability Limited Partnership ("BVR" or "Applicant") filed an Application to Cancel the Certificate of Convenience and Necessity ("CC&N") granted to Bella Vista Ranches, Inc. of Arizona (aka Bella Vista Ranches, Inc) dba Bella Vista Sewer Company ("BVSC") by Decision No. 54599 (July 19, 1985). Bella Vista Ranches, Inc. of Arizona was incorporated on or about October 8, 1975, and was dissolved on or about October 18, 1988, after it believed it had disposed of all of its assets. BVR is an Arizona limited liability limited partnership that owns virtually all of the land encompassed by BVSC's CC&N.

On June 16, 2005, Arizona Corporation Commission ("Commission") Utility Division Staff ("Staff") filed notice that the Application met the sufficiency requirements of the Arizona Administrative Code.

The Commission may consider this matter without a hearing if no hearing is requested by the parties. Accordingly, this Procedural Order establishes the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that Staff shall **file its Staff Report** in this matter by **August 26, 2005**. The Staff Report shall indicate whether Staff believes a hearing is necessary in this matter.

IT IS FURTHER ORDERED that Applicant shall file its **comments**, if any, to the Staff Report, or request a hearing by **September 9, 2005**, or 15 days after the date of the Staff Report,

1 whichever is earlier.¹ Applicant's failure to request a hearing will be considered a waiver of its right
2 to a hearing.

3 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
4 105, except that all motions to intervene must be filed on or before **August 26, 2005**.

5 IT IS FURTHER ORDERED that Applicant shall provide public notice of this proceeding
6 and the opportunity to request a hearing in this matter, in the following form and style:

7 **PUBLIC NOTICE OF APPLICATION BY**
8 **BELLA VISTA RANCHES,**
9 **LIMITED LIABILITY LIMITED PARTNERSHIP**
10 **TO CANCEL THE**
11 **CERTIFICATE OF CONVENIENCE AND NECESSITY**
12 **OF BELLA VISTA RANCHES, INC. OF ARIZONA**

13 On May 19, 2005, Bella Vista Ranches, Limited Liability Limited Partnership
14 ("BVR" or "Applicant") filed an Application to Cancel the Certificate of Convenience
15 and Necessity ("CC&N") granted to Bella Vista Ranches, Inc. of Arizona (aka Bella
16 Vista Ranches, Inc.) dba Bella Vista Sewer Company ("BVSC") by Decision No.
17 54599 (July 19, 1985). If the application is granted, BVSC will no longer be the
18 certificated provider of sewer service to the affected territory. BVSC has never
19 operated under authority of its CC&N. The Commission may consider the application
20 without a hearing, unless a hearing is requested by a party to the proceeding.

21 The application is available for inspection during regular business hours at the
22 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,
23 Arizona or in Tucson at 400 West Congress Street, Suite 218, and at the Company's
24 offices, [insert applicants' addresses].

25 As a property owner within the affected service area, you may have the right to
26 intervene in the proceeding and request a hearing. If you do not want to intervene,
27 you may make written comments by contacting the Commission at the above
28 addresses. Intervention shall be permitted to any person entitled by law to intervene
and having a direct and substantial interest in the matter. Persons desiring to intervene
must file a written notice to intervene with the Commission, which motion should be
sent to the Applicant or their counsel and to all parties of record, and which, at the
minimum, shall contain the Docket No. SW-02454A-05-0366 and 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 intervenors interest in the proceeding
(e.g., a customer of the Applicants, a shareholder or member of the
Applicants, etc.)

¹ If a hearing is requested, to meet the time clock requirements of the Arizona Administrative Code, every effort will be made to set it within 15 days of the request.

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 that all motions to intervene must be filed on or before August 26, 2005. In the event Intervenors wish to request a hearing, such request shall be made no later than September 9, 2005. Failure to intervene will not preclude any property owner from making a statement on such property owner's own behalf. However, you will not receive any further notice of the proceeding unless requested by you.

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. All correspondence should contain the Docket No. SW-03454A-05-0366.

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 602/542-0838, E-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall **publish** a copy of this notice in a newspaper of general circulation within BVSC's service area and shall **mail** a copy by first-class U.S. Mail, to the property owners within the BVSC certificated area service, to begin as soon as possible and to be completed on or before **July 29, 2005**.

IT IS FURTHER ORDERED that Applicant shall file affidavits of publication and certifications of mailing as soon as practicable after the publication and mailing has been completed.

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

IT IS FURTHER ORDERED that any party shall file a **request for a hearing**, if so desired, no later than **September 9, 2005**.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

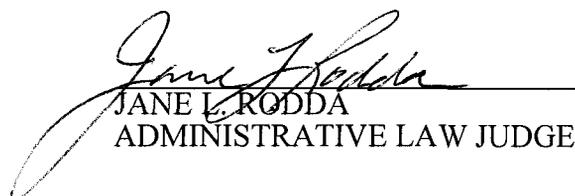
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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 28th day of June, 2005.

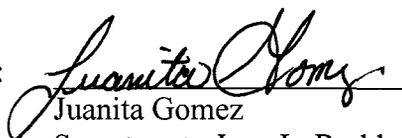
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6 
7 JANE L. RODDA
8 ADMINISTRATIVE LAW JUDGE
9

10 Copies of the foregoing mailed
11 this 28th day of June, 2005 to:

12 William P. Sullivan
13 Curtis, Goodwin, Sullivan,
14 Udall & Schwab, PLC
2712 North 7th Street
Phoenix, Arizona 85006

15 Mr. Christopher Kempley, Chief Counsel
16 Legal Division
17 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

21
22 By: 
23 Juanita Gomez
24 Secretary to Jane L. Rodda
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