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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission 254

COMMISSIONERS

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JUN 24 2005

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF  
ENTRADA DEL ORO SEWER COMPANY.

DOCKET NO. SW-04316A-05-0371

PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 24, 2005, Entrada Del Oro Sewer Company ("Company" or "Applicant"), filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide wastewater service to a development known as Entrada Del Oro, located in Pinal County, Arizona, approximately 4 miles east of Gold Canyon.

On May 31, 2005 and June 8, 2005, the Company filed Supplements to its application.

On June 22, 2005, the Commission's Utilities Division Staff ("Staff") filed its letter of sufficiency.

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

IT IS THEREFORE ORDERED that a **hearing shall commence on September 15, 2005, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before August 11, 2005.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits to be presented at hearing by Applicant shall be reduced to writing and filed on or before August 25, 2005.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 11, 2005.

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

3 **PUBLIC NOTICE OF THE HEARING FOR**  
4 **ENTRADA DEL ORO SEWER COMPANY FOR A**  
5 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
6 **(SW-04316A-05-0371)**

7 On May 24, 2005, Entrada Del Oro Sewer Company ("Applicant") filed an  
8 application for a Certificate of Convenience & Necessity to provide wastewater  
9 service to a development known as Entrada Del Oro, located in Pinal County,  
10 Arizona, approximately 4 miles east of Gold Canyon. If the application is granted,  
11 the Applicant would be the exclusive provider of wastewater to the proposed area,  
12 and would be required by the Commission to provide service under rates, charges,  
13 terms, and conditions established by the Commission. The application is available for  
14 inspection during regular business hours at the offices of the Commission in Phoenix,  
15 at 1200 West Washington Street, Phoenix, Arizona and at the Applicant's office,  
16 [insert office address].

17 The Commission will hold a hearing on this matter commencing on **September 15,**  
18 **2005, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,  
19 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

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

- 26 1. The name, address, and telephone number of the proposed intervenor and of  
27 any party upon whom service of documents is to be made if different than the  
28 intervenor.
- 29 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
30 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
- 31 3. A statement certifying that a copy of the motion to intervene has been mailed  
32 to the Company or its counsel and to all parties of record in the case.

33 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
34 that all motions to intervene must be filed on or before August 11, 2005. The  
35 granting of intervention, among other things, entitles a party to present sworn  
36 evidence at hearing and to cross-examine other witnesses. However, failure to  
37 intervene will not preclude any customer from appearing at the hearing and making a  
38 statement on such customer's own behalf.

39 If you have any questions or concerns about this application or have any objections  
40 to its approval, or wish to make a statement in support of it, you may write the  
41 Consumer Services Section of the Commission at 1200 West Washington Street,  
42 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
43 comment.

44 The Commission does not discriminate on the basis of disability in admission to its

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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@azcc.gov](mailto: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 mail to each property owner in the requested CC&N area a copy of the above notice by July 22, 2005, and 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 22, 2005.

IT IS FURTHER ORDERED that Applicant shall file certification of mailing/publication as soon as practicable after the mailing/publication has been completed, but not later than August 19, 2005.

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 Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is scheduled for public hearing.

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 24<sup>th</sup> day of June, 2005

  
\_\_\_\_\_  
DWIGHT D. NODES  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 24 day of June, 2005 to:

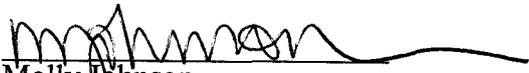
Michael W. Patten  
ROSHKA HEYMAN & DeWULF  
One Arizona Center  
400 East Van Buren Street, Ste. 800  
Phoenix, AZ 85004

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...  
...

1 Christopher Kempley, Chief Counsel  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, Arizona 85007

6 Ernest Johnson, Director  
7 Utilities Division  
8 ARIZONA CORPORATION COMMISSION  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007

11 ARIZONA REPORTING SERVICE, INC.  
12 2627 N. Third Street, Suite Three  
13 Phoenix, Arizona 85004-1104

14 By:   
15 Molly Johnson  
16 Secretary to Marc Stern  
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