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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

DOCKETED

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

JUL 05 2005

DOCKETED BY []

IN THE MATTER OF THE APPLICATION OF
WOODRUFF WATER COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF
WOODRUFF UTILITY COMPANY, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER SERVICE IN
PINAL COUNTY, ARIZONA.

DOCKET NO. SW-04265A-04-0439

IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY, AN ARIZONA
CORPORATION, TO EXTEND ITS EXISTING
CERTIFICATES OF CONVENIENCE AND
NECESSITY AT CASA GRANDE AND
COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-04-0755

NINTH
PROCEDURAL ORDER

BY THE COMMISSION:

On June 10, 2004, Woodruff Water Company, Inc. ("WWC") and Woodruff Utility Company, Inc. ("WUC"), each filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and public wastewater utility service, respectively, to various parts of Pinal County, Arizona.

On June 30, 2004, the Commission's Utilities Division ("Staff") issued a notice of insufficiency which indicated that WWC's and WUCS's applications had not met the sufficiency requirements of A.A.C. R14-2-411(C), and A.A.C. R14-2-610(C).

On October 7, 2004, Staff issued a letter of administrative completeness to WWC and WUC.

On October 14, 2004, by Procedural Order, a hearing was set in this matter.

On October 19, 2004, Arizona Water Company ("AWC") filed an application to extend its Certificate(s) to include the area in which WWC is seeking a Certificate of provide water service, an

1 application to intervene in the WWC proceeding in the above-captioned matter and a Motion to
2 Consolidate the proceedings with respect to WWC's application to provide water service.

3 On November 4, 2004, by Procedural Order, AWC was granted intervention, the above-
4 captioned matters consolidated for purposes of hearing, and a pre-hearing conference scheduled for
5 November 18, 2004.

6 On November 5, 2004, Staff filed a Motion to Extend because of the issues raised by the
7 competing applications filed by WWC and AWC with respect to the provision of water service in the
8 area sought to be certificated herein. Staff requested that the current procedural schedule established
9 by the Commission's October 14, 2004, Procedural Order in this proceeding be vacated and the time-
10 frame for the above-captioned proceedings be extended to allow for the review and consideration of
11 the pending applications in one hearing.

12 On November 10, 2004, AWC filed Joinder in Staff's Motion to Extend. WWC and WUC
13 filed a response indicating that they did not object to a short delay. WWC and WUC also indicated
14 that public notice had been provided as previously ordered.

15 On November 10, 2004, by Procedural Order, Staff's Motion to Extend was granted until
16 Staff issues a letter of administrative completeness to AWC at which time the time-frame will be
17 restarted. It was further ordered that the pre-hearing conference scheduled for November 18, 2004, go
18 forward as previously scheduled as well as the hearing scheduled on November 30, 2004, for public
19 comment to be taken.

20 On November 12, 2004, Staff issued a notice to AWC that its application did not meet the
21 sufficiency requirements of A.A.C. R14-2-411(C).

22 On November 18, 2004, a pre-hearing conference was convened with WWC, WUC, AWC
23 and Staff present with counsel.

24 On November 30, 2004, a full public hearing was convened before a duly authorized
25 Administrative Law Judge at its offices in Phoenix, Arizona. WWC, WUC, AWC and Staff were
26 present with counsel and public comment was taken.

27 On December 16, 2004, Pulte Home Corporation ("Pulte") filed a Motion to Intervene and
28 requested expedited consideration of the uncontested extension area. There were no objections to

1 Pulte's Motion to Intervene.

2 On December 30, 2004, by Procedural Order, Pulte was granted intervention in the above-
3 captioned matters. Its additional request was taken under advisement.

4 On January 4, 2005, AWC filed a Response to the Insufficiency Letter.

5 On January 5, 2005, WWC and WUC filed a copy of their Affidavit of Publication.

6 On January 20, 2005, Staff issued a notice of administrative sufficiency to AWC pursuant to
7 A.A.C. R14-2-411(C).

8 On January 24, 2005, by Procedural Order, the proceeding was scheduled for hearing on April
9 18, 2005.

10 On January 27, 2005, Staff filed a Motion to Reschedule Hearing because a key Staff witness
11 would be unavailable to testify due to a scheduling conflict.

12 On January 31, 2005, by Revised Procedural Order, the Commission rescheduled the
13 proceeding.

14 Prior to the rescheduling of the proceeding, AWC filed what was captioned as "Motion for
15 Procedural Order Concerning Prefiled Testimony" ("PF Motion") which requested that a Procedural
16 Order be issued directing the parties to prefile prepared direct and rebuttal testimony and exhibits.
17 Subsequently, Staff filed a response objecting to AWC's PF Motion.

18 On February 1, 2005, AWC, in support of the PF Motion, filed a reply to Staff's response.

19 On February 2, 2005, WWC and WUC filed their response supporting Staff's position and
20 argued further that the proceeding would be unduly delayed if AWC's PF Motion is granted.

21 On February 7, 2005, AWC filed its reply to WWC's and WUC's response.

22 On February 8, 2005, by Procedural Order, AWC's PF Motion was denied.

23 On April 18, 2005, during a teleconference arranged by the parties, it was determined that
24 because of the number of witnesses being called to testify by the parties that at least two to three days
25 of hearing time would be required and that the hearing should be continued to a more appropriate
26 date.

27 On April 19, 2005, by Procedural Order, the evidentiary hearing portion of the proceeding
28 was continued to commence on May 23, 2005 and the timeframe rule suspended.

1 On May 25, 2005, the parties agreed that additional time was needed for the evidentiary
2 portion of the proceeding. It was agreed that the matter would reconvene on June 27, 2005 and that
3 an additional day of hearing also be scheduled, if necessary.

4 On June 1, 2005, by Procedural Order, the parties were ordered to reconvene on June 27 and
5 29, 2005. Upon agreement of the parties, an additional day of hearing took place on June 30, 2005.

6 On June 30, 2005, the parties further agreed that the matter reconvene on August 1, 3 and 4,
7 2005, if all counsel were available. Subsequently, an attorney for WWC and WUC indicated
8 telephonically that he will be unavailable on August 1, 2005.

9 Accordingly, the hearing should recommence on August 3, 2005.

10 IT IS THEREFORE ORDERED that the **hearing** shall recommence on **August 3, 2005, at**
11 **9:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that the parties shall also set aside **August 4, 2005** for an
13 additional day of **hearing**, if necessary.

14 IT IS FURTHER ORDERED that the timeframe rule, A.A.C. R14-2-411, shall remain
15 suspended until further Order..

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

19 DATED this 5TH day of July, 2005


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered
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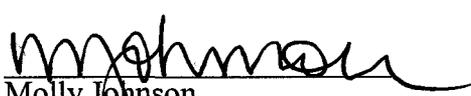
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By: 
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