

ORIGINAL



0000032561

BEFORE THE ARIZONA CORPORATION COMMISSION

25

COMMISSIONERS

2005 OCT 12 P 2:09

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

AZ CORP COMMISSION
DOCUMENT CONTROL

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 October 6, 2005, Diversified filed a Motion to Continue the Procedural Conference due to

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

1 a conflict in the schedule of Diversified's counsel. Diversified represents that neither Johnson nor
2 Staff oppose the requested continuance.

3 IT IS THEREFORE ORDERED that the **procedural conference** scheduled for October 17,
4 2005, shall be **rescheduled for December 12, 2005 at 10:00 a.m.**

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

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

10 Dated this 12th day of October, 2005

11
12 

13 DWIGHT D. NODES
14 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

15 The foregoing was mailed/delivered
16 this 12 day of October, 2005 to:

17 William P. Sullivan
18 Michael A. Curtis
19 CURTIS, GOODWIN, SULLIVAN, UDALL
& SCHWAB
20 2712 N. 7th Street
21 Phoenix, AZ 85006-1090
22 Attorneys for Diversified Water Utilities, Inc.

23 Richard Sallquist
24 SALLQUIST & DRUMMOND
25 4500 S. Lakeshore Drive, Ste. 339
26 Tempe, AZ 85282
27 Attorneys for Johnson Utilities Company

28 Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, Arizona 85004-1104

By: 
Molly Johnson
Secretary to Dwight D. Nodes