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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 DEC 16 A 11: 21

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
TACNA WATER MANAGEMENT COMPANY
FOR AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
WATER SERVICE TO VARIOUS PARTS OF
YUMA COUNTY, ARIZONA.

DOCKET NO. W-01344A-04-0815

PROCEDURAL ORDER

BY THE COMMISSION:

On November 10, 2004, Tacna Water Management Company ("Company" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for an extension of the territory under its existing Certificate of Convenience and Necessity ("Certificate").

On October 31, 2005, the Commission's Utilities Division Staff ("Staff") docketed a letter notifying the Company that its application is sufficient, and on November 2, 2005, a Procedural Order was issued setting the matter for hearing and setting associated deadlines for procedural requirements, including public notice.

Pursuant to the Procedural Order issued November 2, 2005, Staff filed its Staff Report on the application and associated exhibits to be presented at hearing on behalf of Staff on December 1, 2005.

Because Applicant did not file certification of publication and mailing by the December 5, 2005 deadline established in the November 2, 2005 Procedural Order, a telephonic procedural conference was held on December 15, 2005, to allow the parties to address the issue. Applicant appeared and Staff appeared through counsel. Applicant indicated that notice was not provided in accordance with the November 2, 2005 Procedural Order, but that it could accomplish proper publication and mailing of notice by December 28, 2005.

On December 16, 2005, Applicant filed a letter indicating it had no objections to the Staff Report filed December 1, 2005.

1 The hearing and the deadline for intervention in this matter should be continued in order to
2 allow time for proper public notice of the application and the hearing. The timeclock for a final
3 Commission Decision should be extended accordingly.

4 IT IS THEREFORE ORDERED that the **hearing** currently scheduled to commence on
5 **December 20, 2005 at 2:00 p.m.** is hereby **continued to February 21, 2006, at 1:00 p.m.**, or as
6 soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix,
7 Arizona 85007.

8 IT IS FURTHER ORDERED that the timeclock for a final Commission Decision in this
9 matter is hereby extended for a period of 40 days.

10 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
11 except that all motions to intervene must be filed on or before **January 18, 2006**.

12 IT IS FURTHER ORDERED that any objections to intervention requests shall be filed by
13 4:00 p.m. on **January 25, 2005**.

14 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at
15 hearing on behalf of intervenors shall be filed by 4:00 p.m. on **February 1, 2006**.

16 IT IS FURTHER ORDERED that if testimony is filed by intervenors, Applicant shall file
17 responsive testimony and associated exhibits to be presented at hearing by 4:00 p.m. on **February**
18 **15, 2006**.

19 IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this
20 matter, in the following form and style, with the heading in no less than 12 point bold type and the
21 body in no less than 10 point regular type:

22 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF**
23 **TACNA WATER MANAGEMENT COMPANY FOR AN EXTENSION OF ITS**
24 **CERTIFICATE OF CONVENIENCE AND NECESSITY**
(W-01344A-04-0815)

25 On November 10, 2004, Tacna Water Management Company ("Applicant") filed an
26 application for an extension of its existing Certificate of Convenience and Necessity in
27 Yuma County, Arizona. If the application is granted, Applicant would be the exclusive
28 provider of water utility service to the requested area, and would be required by the
Commission to provide service under rates and charges and terms and conditions
established by the Commission.

The application, the report of the Commission's Staff, and Applicant's response to the

1 Staff's report will be available for inspection during regular business hours at the offices
2 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and
at the offices of the Applicant, [**Applicant insert address here**].

3 The Commission will hold a hearing on this matter beginning at **1:00 p.m. on February**
4 **21, 2006**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.
Public comment will be taken on the first day of the hearing.

5 The law provides for an open public hearing at which, under appropriate circumstances,
6 interested parties may intervene. Any person or entity entitled by law to intervene and
7 having a direct and substantial interest in the matter will be permitted to intervene. If you
would like to intervene, you must file a written motion to intervene with the Commission,
and you must send copies of the motion to the Applicant or its counsel, and to all parties
of record in the case. Your motion to intervene must contain the following:

- 8 1. Your name, address, and telephone number, and the name, address, and
9 telephone number of any party upon whom documents are to be served in
your place, if desired.
- 10 2. A short statement of your interest in the proceeding (e.g., a customer of
11 Applicant, a shareholder of the Applicant, etc.).
- 12 3. A statement certifying that a copy of your motion to intervene has been
mailed to Applicant or its counsel and to all parties of record in the case.

13 Arizona Administrative Code R14-3-105 governs the granting of intervention, except that
14 all motions to intervene must be filed on or before **January 18, 2006**. The granting of
intervention, among other things, will entitle an intervenor to present sworn evidence at
15 hearing and to cross-examine other witnesses, and to be mailed copies of all filings made
16 in the case. You do not need to intervene in order to appear at the hearing and make a
statement for the record, or to file written comments in the record of the case.

17 If you have any questions or concerns about this application or have any objections to its
18 approval, or wish to make a statement in support of it, you may write the Consumer
Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 85007,
call 1-800-222-7000, or appear at the hearing and provide comment.

19 The Commission does not discriminate on the basis of disability in admission to its public
20 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
21 contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail
lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange
22 the accommodation.

23 IT IS FURTHER ORDERED that Applicant shall cause the above notice to be published at
24 least once in a newspaper of general circulation in its service territory and the requested extension
25 area, with publication to be completed no later than **January 2, 2006**.

26 IT IS FURTHER ORDERED that Applicant shall cause a copy of this Procedural Order to be
27 mailed to the following neighboring water utility companies: Antelope Water Company, Mohawk
28 Utility Company, Citrus Park Water Company, and Desert Valencia Water Company, with mailing to

1 be completed no later than **January 2, 2006.**

2 IT IS FURTHER ORDERED that Applicant shall file certification of publication and mailing
3 as soon as practicable after the publication and mailing have been completed, but no later than
4 **January 9, 2006.**

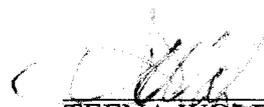
5 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication and
6 mailing of same, notwithstanding the failure of an individual to read or receive the notice.

7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
8 Communications) applies to this proceeding and shall remain in effect until the Commission's
9 Decision in this matter is final and non-appealable.

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

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

15 DATED this 11th day of December, 2005

17
18 
19 _____
TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
this 16 day of December, 2005 to:

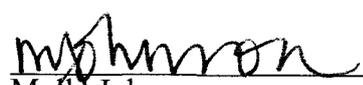
21 Don Kelland
22 Tacna Water Management Company
23 2993 South Arizona Avenue
Yuma, AZ 85364

24 Lawrence Deason
25 242 W. 28th Street, Ste. A
Yuma, AZ 85364

26 Christopher Kempley, Chief Counsel
27 Diane Targovnik, Attorney
28 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

By: 
Molly Johnson
Secretary to Teena Wolfe