

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

2005 DEC 19 P 12:43

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
SOUTHLAND SANITATION CO. FOR
DELETION OF A PORTION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
SERVICE IN COCHISE COUNTY.

DOCKET NO. SW-02390A-05-0796

PROCEDURAL ORDER

BY THE COMMISSION:

On October 21, 2005, Southland Sanitation Co. ("Southland" or "Applicant") filed an Application for Deletion of a portion of its Certificate of Convenience and Necessity ("CCN" or "Certificate") with the Arizona Corporation Commission ("Commission").

On December 9, 2005 Commission Utilities Division Staff filed notice that the application met the sufficiency requirements of the Arizona Administrative Code.

Accordingly, 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 the hearing in the above-captioned matter shall be held on **March 9, 2006, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, **Room 222**, 400 West Congress St., Tucson, Arizona 85701.

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 **February 23, 2006**.

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

PUBLIC NOTICE OF HEARING ON THE
APPLICATION OF
SOUTHLAND SANITATION CO.
FOR A DELETION OF A PORTION OF ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY
Docket No. SW-02390A-05-0796

1
2 On October 23, 2005, Southland Sanitation Co. ("Applicant") filed an application
3 with the Arizona Corporation Commission ("Commission") to delete a portion of its
4 service territory under its existing Certificate of Convenience and Necessity to
5 provide wastewater utility service. If the application is granted, Applicant will no
6 longer be the provider of wastewater service to the proposed deletion area, and the
7 Commission will no longer set rates or mandate rules for providing service. Pursuant
8 to the application, wastewater service within the deleted area will be provided by the
9 City of Sierra Vista. The application is available for inspection during regular
10 business hours at the offices of the Commission in Phoenix, at 1200 West
11 Washington Street, Phoenix, Arizona, and Tucson, at 400 West Congress St. Suite
12 218, Tucson, Arizona and at the offices of the Applicant, [APPLICANT INSERT
13 ADDRESS].

14
15 The Commission will hold a hearing on this matter beginning **March 9, 2006, at**
16 **10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress Street,
17 Tucson, Arizona. Public comment will be taken on the first day of the hearing.

18
19 The law provides for an open public hearing at which, under appropriate
20 circumstances, interested persons may intervene in the proceedings and participate as
21 a party. You may have the right to intervene in the proceeding. Intervention will be
22 in accordance with A.A.C. R14-3-405, except that all motions to intervene must be
23 filed on or before **February 23, 2006**. Persons desiring to intervene must file a
24 written motion to intervene with the Commission and send such motion to Applicant
25 or its counsel and to all parties of record. The motion must, at the minimum, contain
26 the following:

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

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35 The granting of intervention, among other things, entitles a party to present sworn
36 evidence at the hearing and to cross-examine other witnesses. However, failure to
37 intervene will not preclude any interested person or entity from appearing at the
38 hearing and providing public comment on the applications. You will not receive any
39 further notice of this proceeding unless you request it.

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41 If you have any questions about these applications, or want further information on
42 intervention, you may contact the Consumer Services Section of the Commission at
43 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000.

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45 The Commission does not discriminate on the basis of disability in admission to its
46 public meetings. Persons with a disability may request a reasonable accommodation
47 such as a sign language interpreter, as well as request this document in an alternative
48 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible
to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that Applicant shall publish the above notice in a newspaper of
2 general circulation within its service territory and shall mail to each property owner in the area
3 requested to be deleted a copy of this notice by first-class U.S. Mail, to begin as soon as possible and
4 to be completed on or before **January 31, 2006**.

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

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

9 IT IS FURTHER ORDERED that Staff shall file its Staff Report and associated exhibits to be
10 presented at the hearing on or before **February 21, 2006**.

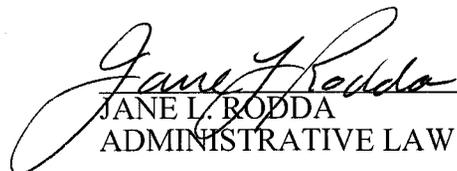
11 IT IS FURTHER ORDERED that any objection or response by the Applicant to the Staff
12 Report shall be made in writing and filed on or before **March 2, 2006**.

13 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
14 Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

19 DATED this 16th day of December, 2006.

20
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22 
23 JANE L. RODDA
24 ADMINISTRATIVE LAW JUDGE

25 Copies of the foregoing mailed
26 this 16th day of December, 2006 to:

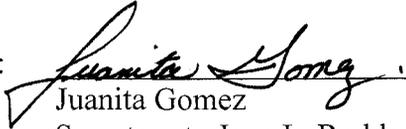
27 Sidney Mendelsohn, Jr.
28 3915 E. Broadway, #135
Tucson, AZ 85711
Attorney for Applicant

1 Andrew Romo, President
2 Southland Sanitation Co.
3 2730 E. Broadway, #135
4 Tucson, AZ 85716

5 Mr. Christopher Kempley, Chief Counsel
6 Legal Division
7 ARIZONA CORPORATION COMMISSION
8 1200 West Washington Street
9 Phoenix, Arizona 85007

10 Mr. Ernest Johnson, Director
11 Utilities Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15 ARIZONA REPORTING SERVICE, INC.
16 2627 N. Third Street, Suite Three
17 Phoenix, Arizona 85004-1104

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By: 
Juanita Gomez
Secretary to Jane L. Rodda