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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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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:

Our Procedural Order dated December 16, 2005, set this matter for hearing on March 9, 2006. In a joint teleconference with Arizona Corporation Commission ("Commission") Staff, Southland Sanitation Co. ("Southland" or "Applicant") requested a brief continuance of the hearing date because its attorney would be out of the country on the scheduled date.

IT IS THEREFORE ORDERED that this Procedural Order shall supersede the December 16, 2005, Procedural Order.

IT IS FURTHER ORDERED that the hearing date currently set for March 9, 2005 shall be vacated and that the hearing in the above-captioned matter shall be held on April 3, 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 March 15, 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 **April 3, 2006, at 10:00**
16 **a.m.**, at the Commission's offices, Room 222, 400 West Congress Street, Tucson,
17 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 **March 15, 2006**. Persons desiring to intervene must file a written
24 motion to intervene with the Commission and send such motion to Applicant or its
25 counsel and to all parties of record. The motion must, at the minimum, contain the
26 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.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer or potential customer of the Applicant, a shareholder of the
Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed
to the Applicant or its counsel and to all parties of record in the case.

29
30 The granting of intervention, among other things, entitles a party to present sworn
31 evidence at the hearing and to cross-examine other witnesses. However, failure to
32 intervene will not preclude any interested person or entity from appearing at the
33 hearing and providing public comment on the applications. You will not receive any
34 further notice of this proceeding unless you request it.

35
36 If you have any questions about these applications, or want further information on
37 intervention, you may contact the Consumer Services Section of the Commission at
38 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-800-222-7000.

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40 The Commission does not discriminate on the basis of disability in admission to its
41 public meetings. Persons with a disability may request a reasonable accommodation
42 such as a sign language interpreter, as well as request this document in an alternative
43 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
44 3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible
45 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 **February 28, 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 **March 17, 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 27, 2006**.

13 IT IS FURTHER ORDERED that the Company's request to extend the hearing is good cause
14 to suspend the time clock contained in A.A.C. R14-2-103.

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

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

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

21 DATED this 6th day of January, 2006.

22
23
24 
25 JANE L. RODDA
26 ADMINISTRATIVE LAW JUDGE
27
28

1 Copies of the foregoing mailed
this 6th day of January, 2006 to:

2 Sidney Mendelsohn, Jr.
3 3915 E. Broadway, #135
4 Tucson, AZ 85711
Attorney for Applicant

5 Andrew Romo, President
6 Southland Sanitation Co.
2730 E. Broadway, #135
Tucson, AZ 85716

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

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

13 ARIZONA REPORTING SERVICE, INC.
14 2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

15
16 By: 
17 Juanita Gomez
18 Secretary to Jane L. Rodda
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