



ORIGINAL

254

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

COMMISSIONERS

AUG 08 2003

2003 AUG -8 P 12:09

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

DOCKETED BY *CAF*

ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
VALLEY PIONEERS WATER COMPANY, INC.
FOR AMENDMENT TO DECISION NO. 64173.

DOCKET NO. W-02033A-03-0379

PROCEDURAL ORDER

BY THE COMMISSION:

On March 28, 2003, Valley Pioneers Water Company, Inc. ("Valley Pioneers" or "Company") filed an application with the Arizona Corporation Commission ("Commission") requesting authorization to amend Decision No. 64173 dated October 31, 2001.

On July 18, 2003, Commission Utilities Division Staff ("Staff") filed its Staff Report in this matter, recommending approval to amend Decision No. 64173 with conditions.

On July 22, 2003, Phelps Dodge Bagdad, Inc. ("PDBI") filed an Application for Leave to Intervene. PDBI is a mining company which, in addition to owning mining and related facilities in Bagdad, Arizona, owns a well field and water distribution system in Golden Valley, Arizona. PDBI has negotiated the sale of the Golden Valley system to Valley Pioneers.

On July 23, 2003, Valley Pioneers filed a request for hearing.

On July 30, 2003, Chloride Domestic Water Improvement District ("District") filed an Application for Leave to Intervene. The District has received WIFA authorization to fund the construction of infrastructure and a transmission line to provide water from the PDBI water system to the District.

Pursuant to Procedural Order dated July 23, 2003, the Commission convened a pre-hearing conference on August 6, 2003, for the purpose of discussing the nature, location and timing of a hearing.

1 No party objected to the intervention of PDBI or the District. The Company requested a
2 hearing as soon as practicable and indicated it could mail notice of the hearing to its customers within
3 four or five days of receiving the form of notice.

4 IT IS THEREFORE ORDERED that the Applications to Intervene of PDBI and the District
5 are granted.

6 IT IS FURTHER ORDERED that the hearing in this matter shall commence on **August 26,**
7 **2003, at 10:00 a.m.** at the Golden Paradise Landowners Building, 5505 Highway 68, Golden Valley,
8 Arizona.

9 IT IS FURTHER ORDERED that Valley Pioneers and Intervenors shall file written responses
10 and/or testimony in response to the Staff Report by August 15, 2003. Comments to the Staff Report
11 should include the name of the witness who will sponsor the testimony at the hearing.

12 IT IS FURTHER ORDERED that Valley Pioneers shall provide public notice of the hearing
13 in this matter, in the following form and style:

14
15 **PUBLIC NOTICE OF HEARING ON THE**
APPLICATION TO AMEND COMMISSION DECISION
16 **BY VALLEY PIONEERS WATER COMPANY, INC.**

17 On March 28, 2003, Valley Pioneer Water Company, Inc. ("Company") filed an
18 application with the Arizona Corporation Commission ("Commission") to modify
19 Commission Decision No. 64173 to allow the Company to use loan proceeds to
20 purchase the Phelps Dodge Bagdad, Inc. water system. Commission Staff issued its
21 Staff Report on the application on July 18, 2003, recommending approval of the
22 Company's request, but recommending several conditions. The Company has
23 requested a hearing. Copies of the Company's application and the Staff Report are
24 available at the Company's office and the Commission's offices for public inspection
25 during regular business hours.

26 The Commission will hold a hearing on this matter on August 26, 2003 at 10:00 a.m.
27 at the Golden Paradise Landowners Building, 5505 Highway 68, Golden Valley,
28 Arizona. Public comments will be taken at the beginning of the hearing.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Intervention shall be permitted to any
person entitled by law to intervene and having a direct and substantial interest in the
matter. Persons desiring to intervene must file a written motion to intervene with the
Commission, which motion should be sent to the Company or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor
and of any party upon whom service of documents is to be made if
different than the intervenor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a stockholder of the Company, etc.).
- 3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 22, 2003. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf of providing written comments. All correspondence should contain the Docket No. W-02033A-03-0379.

The Commission does not discriminate on the basis of disability in admission to its public 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 contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of the above notice by August 13, 2003.

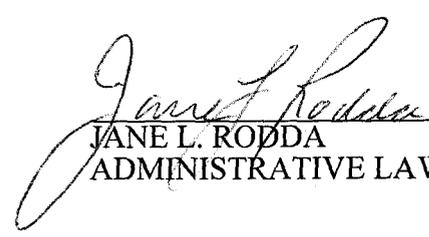
IT IS FURTHER ORDERED that the Company shall file certification of mailing as soon as practicable after the mailing has been completed.

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

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

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

DATED this 7th day of August, 2003.


 JANE L. RODDA
 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed
2 this 7th day of August, 2003 to:

3 Jeffrey Goldberg
4 BRUNO, BROOKS & GOLDBERG, PC
5 730 East Beale Street
6 Kingman, Arizona 86401

7 John Clayton
8 Valley Pioneers Water Company, Inc.
9 3482 North McNeal Road
10 Golden Valley, Arizona 86413

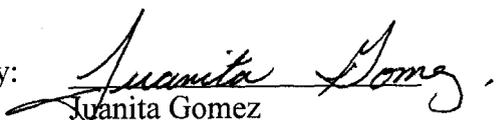
11 Jay L. Shapiro
12 Dawn G. Meidinger
13 Fennemore Craig, PC
14 3003 North Central Avenue
15 Suite 2600
16 Phoenix, Arizona 85012
17 Attorneys for PDBI

18 Steve Wene
19 Moyes Storey, Ltd.
20 3003 North Central Ave., Suite 1250
21 Phoenix, Arizona 85012
22 Attorneys for the District

23 Mr. Christopher Kempley, Chief Counsel
24 Legal Division
25 ARIZONA CORPORATION COMMISSION
26 1200 West Washington Street
27 Phoenix, Arizona 85007

28 Mr. 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

23
24 By: 
25 Juanita Gomez
26 Secretary to Jane L. Rodda
27
28