

ORIGINAL

25H



0000039639

BEFORE THE ARIZONA CORPORATION C

RECEIVED

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

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

2001 JUL 20 P 2:03

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
WICK WATER, L.L.C. FOR APPROVAL OF
SALE OF ASSETS AND TRANSFER OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO CDC WICKENBURG WATER,
L.L.C.

~~DOCKET NO. W-03122A-01-0134~~
W-03994A-01-0134

PROCEDURAL ORDER

BY THE COMMISSION:

On February 15, 2001, Wick Water, L.L.C. ("Wick Water") and CDC Wickenburg Water, L.L.C. ("CDC"), (collectively the "Applicants"), filed with the Arizona Corporation Commission ("Commission") a joint application for the sale of assets and transfer of Wick Water's Certificate of Convenience and Necessity ("Certificate") to CDC.

On June 20, 2001, the Utilities Division Staff ("Staff") of the Commission filed its Staff Report in the above-captioned matter. In its Report, Staff recommended approval of the application after a hearing. Accordingly, this matter should be set for hearing.

IT IS THEREFORE ORDERED that the hearing shall commence on September 10, 2001 at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

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 August 31, 2001.

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

...
...
...
...

Arizona Corporation Commission

DOCKETED

JUL 20 2001

DOCKETED BY

**PUBLIC NOTICE OF THE HEARING
OF WICK WATER, L.L.C. TO TRANSFER
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO CDC WICKENBURG WATER, L.L.C.**

On February 15, 2001, Wick Water, L.L.C. filed an application for sale of its assets and transfer of its Certificate of Convenience and Necessity to CDC Wickenburg Water, L.L.C.

The Arizona Corporation Commission will hold a hearing on this matter commencing on September 10, 2001 at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing in this proceeding. 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 Applicants or their 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.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer, a shareholder, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their 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 31, 2001. 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.

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 Applicants shall cause the above notice to be sent first class mail to each of Wick Water, L.L.C.'s customers, with mailing to be completed no later than August 10, 2001.

IT IS FURTHER ORDERED that the Applicants shall file certification of mailing no later than August 31, 2001.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,

1 notwithstanding the failure of an individual customer to read or receive the notice.

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

4 IT IS FURTHER ORDERED that the failure of Applicants to comply with any or all of the
5 Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in
6 the denial of Applicants' application.

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

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

11 DATED this 20 day of July, 2001.

12 
13 _____
14 PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 20 day of July, 2001 to:

17 Steve Wene
18 Jay I. Moyes
19 MOYES STOREY LTD
3003 N. Central Avenue, Suite 1250
20 Phoenix, Arizona 85012
Attorneys for CDC Wickenburg Water LLC

21 Karen L. Peters
22 SQUIRE, SANDERS & DEMPSEY L.L.P.
40 North Central Avenue, Suite 2700
23 Phoenix, Arizona 85004
Attorneys for Wick Water, L.L.C.

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

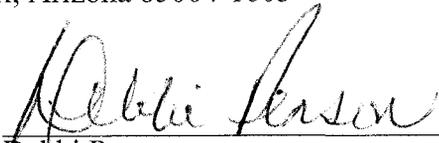
27

28

1 Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 ARIZONA REPORTING SERVICE, INC.
7 2627 N. Third Street, Suite Three
8 Phoenix, Arizona 85004-1003

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: 
Debbi Person
Secretary to Philip J. Dion III