



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
BALTERRA SEWER CORPORATION FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-20403A-05-0586

PROCEDURAL ORDER

BY THE COMMISSION:

On August 12, 2005, Balterra Sewer Corporation ("Balterra" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for a Certificate of Convenience and Necessity ("Certificate").

On September 9, 2005, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter.

On November 15, 2005, Balterra filed documents in response to Staff's Insufficiency Letter. On this same date, Balterra also filed its Notice of Filing Amended Legal Description and its Notice of Filing Director Testimony of James L. Condit.

On January 3, 2006, Balterra filed documents in response to a December 7, 2005 meeting with Staff.

On January 23, 2006, Staff filed a Sufficiency Letter.

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 commence on April 10, 2006 at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

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 10, 2006.

IT IS FURTHER ORDERED that Balterra shall provide public notice of the hearing in this

1 matter, in the following form and style, with the heading in no less than 12 point bold type and the
2 body in no less than 10 point regular type:

3 **PUBLIC NOTICE OF HEARING ON THE**
4 **APPLICATION OF BALTERRA SEWER CORPORATION**
5 **FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
6 **WASTEWATER SERVICE**
7 **(SW-20403A-05-0586)**

8 On August 12, 2005, Balterra Sewer Corporation filed an Application with the Arizona
9 Corporation Commission (“Commission”) for a Certificate of Convenience and Necessity
10 in the vicinity of 411th Avenue and Camelback Road in Maricopa County, Arizona. If the
11 Application is granted, Balterra would be the exclusive provider of wastewater to this
12 area, and would be required by the Commission to provide service under rates and
13 charges and terms and conditions established by the Commission. The Application is
14 available for inspection during regular business hours at the offices of the Commission in
15 Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of
16 Arizona Water Company, [insert address] and on the internet via the Commission
17 website (www.azcc.gov) using the e-docket function.

18 The Commission will hold a hearing on this matter beginning on **April 10, 2006 at 10:00**
19 **a.m.**, at the Commission’s offices, 1200 West Washington Street, Phoenix, Arizona.
20 Public comment will be taken on the first day of the hearing.

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

- 27 1. The name, address, and telephone number of the proposed intervenor and
28 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 of the Applicants, a shareholder of the Applicants, 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 March 10, 2006. The granting of
intervention, among other things, entitles a party to present sworn evidence at hearing
and to cross-examine other witnesses. Failure to intervene will not preclude any potential
customer from appearing at the hearing and making a statement on such person’s own
behalf. You will not, however, receive any further notice of the proceeding unless
requested by you.

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 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 the accommodation.

IT IS FURTHER ORDERED that Balterra shall publish notice of the Application in a newspaper of general circulation in the proposed extension area and shall mail to each property owner in the requested extension area a copy of the above notice by February 10, 2006.

IT IS FURTHER ORDERED that Balterra shall file certification of mailing/publication as soon as practical after the mailing/publication has been completed but not later than February 17, 2006.

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

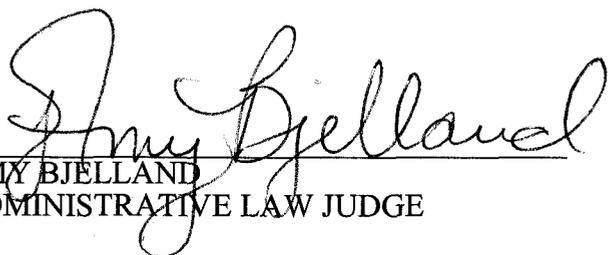
IT IS FURTHER ORDERED that Staff's testimony/Staff Report and any testimony by Intervenors shall be filed by March 10, 2006.

IT IS FURTHER ORDERED that responses by the Applicant, if any, to Staff's Report or Intervenor testimony shall be filed no later than March 24, 2006.

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 Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 26 day of January, 2006


AMY BJELLAND
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 26 day of January, 2006 to:

Jay L. Shapiro
Patrick J. Black
FENNEMORE CRAIG
3003 N. Central Avenue, Ste. 2600
Phoenix, AZ 85012
Attorneys for Balterra Sewer Corporation

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

1 Ernest G. Johnson, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington
5 Phoenix, AZ 85007

6 ARIZONA REPORTING SERVICE, INC.
7 2627 N. Third Street, Ste. Three
8 Phoenix, Arizona 85004-1104

9 By: 
10 Molly Johnson
11 Secretary to Amy Bjelland
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