



0000040395

RECEIVED

2001 JUN -8 P 3:11

AZ CORP COMMISSION DOCUMENT CONTROL

19

1 FENNEMORE CRAIG
Jay L. Shapiro (No. 014650)
2 Thomas R. Wilmoth (No. 017557)
3003 North Central Avenue
3 Suite 2600
Phoenix, Arizona 85012-2913
4 Telephone: (602) 916-5000

5 Attorneys for Complainant
Pine Water Company

8 BEFORE THE ARIZONA CORPORATION COMMISSION

9 PINE WATER COMPANY, an Arizona
corporation,
10
11 Complainant,
12
13 v.
14 STRAWBERRY HOLLOW
DEVELOPMENT, INC., an Arizona
corporation, STRAWBERRY HOLLOW
15 PROPERTIES, L.L.C., an Arizona limited
liability company, STRAWBERRY
16 HOLLOW PROPERTY OWNER'S
ASSOCIATION, INC., an Arizona not-for-
profit corporation,
17 Respondents.

Docket No.
APPLICATION FOR EXPEDITED PRE-
HEARING CONFERENCE AND
SCHEDULING ORDER

Arizona Corporation Commission
DOCKETED
JUN 08 2001
DOCKETED BY [Signature]

18
19 Pine Water Company ("Pine Water") hereby applies for an expedited pre-hearing
20 conference and scheduling Order in the above titled docket.

21 Concurrently herewith, Pine Water has filed a Complaint and an Application for Order to
22 Show Cause ("Application") why Respondents should not be adjudicated a public service
23 corporation. Pine Water now respectfully requests that the Commission, acting pursuant to R14-
24 3-108, set an immediate pre-hearing conference to identify relevant issues, obtain admissions of
25 fact, arrange for the exchange of proposed exhibits or prepared expert testimony, and provide for
26

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

Because, as explained in Pine Water's Complaint and Application, Respondents are currently violating applicable law, and considering the extraordinary nature of the public interest at stake, Pine Water respectfully requests that the Commission adopt an order with the following timetable:

1. That Respondents be required to answer Pine Water's Complaint no later than June 15, 2001;
2. That Complainant be required to reply to Respondents' answer no later than June 22, 2001;
3. That a pre-hearing conference be scheduled no later than June 12, 2001; and
4. That the parties be allowed seven days in which to respond to discovery requests, and that there be no limitation on the time in which discovery may be conducted.

A draft form of Order is attached hereto at Tab A for the Commission's convenience.

DATED this 6th day of June, 2001.

FENNEMORE CRAIG



By

Jay L. Shapiro
Thomas R. Wilmoth
Attorneys for Complainant
Pine Water Company

Original and 10 copies
hand-delivered this 6th
day of June, 2001 to:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

1 Copy of the foregoing
hand-delivered this 6th
2 day of June, 2001 to:

3 James Benham, Esq.
Moore & Benham PLC
4 1144 E. Jefferson
Phoenix, AZ 85034-2285
5 Attorney and Statutory Agent for Respondents
Strawberry Hollow Development and
6 Strawberry Hollow Properties, L.L.C.

7 Lyn Farmer
Chief Administrative Law Judge
8 Hearing Division
Arizona Corporation Commission
9 1200 W. Washington St.
Phoenix, AZ 85007

10 Deb Scott, Director
11 Steve Olea, Assistant Director
Utilities Division
12 Arizona Corporation Commission
1200 W. Washington St.
13 Phoenix, AZ 85007

14 Chris Kempley, Chief Counsel
Legal Division
15 Arizona Corporation Commission
1200 W. Washington St.
16 Phoenix, AZ 85007

17 And a copy mailed to:

18 Mr. Loren Peterson
201 N. Trailwood Rd.
19 Payson, AZ 85541
Statutory Agent for Strawberry
20 Hollow Property Owner's Association, Inc.

21 By Mary House
22 1190649/75206.001

23
24
25
26

A

1 FENNEMORE CRAIG
Jay L. Shapiro (No. 014650)
2 Thomas R. Wilmoth (No. 017557)
3003 North Central Avenue
3 Suite 2600
Phoenix, Arizona 85012-2913
4 Telephone: (602) 916-5000

5 Attorneys for Complainant
Pine Water Company
6
7

8 BEFORE THE ARIZONA CORPORATION COMMISSION

9 PINE WATER COMPANY, an Arizona
corporation,
10
11 Complainant,
12
13 v.
14 STRAWBERRY HOLLOW
DEVELOPMENT, INC., an Arizona
corporation, STRAWBERRY HOLLOW
15 PROPERTIES, L.L.C., an Arizona limited
liability company, STRAWBERRY
HOLLOW PROPERTY OWNER'S
16 ASSOCIATION, INC., an Arizona not-for-
profit corporation,
17 Respondents.

Docket No.
PROCEDURAL ORDER

18 BY THE COMMISSION:

19 On June 6, 2001 Pine Water Company ("Complainant" or "Company") filed with the
20 Arizona Corporation Commission ("Commission") a Complaint and Application for Order to
21 Show Cause why Respondents should not be adjudicated a public service corporation.

22 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to
23 govern the preparation and conduct of this proceeding.

24 IT IS THEREFORE ORDERED that a hearing in the above captioned matter shall
25 commence on _____, 2001 at ____ a.m./p.m., or as soon thereafter as is practical, at the
26

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

IT IS FURTHER ORDERED that a pre-hearing conference is set for _____, 2001 at _____ a.m./p.m., at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

IT IS FURTHER ORDERED that Respondent shall answer Complainant's Complaint no later than _____, 2001.

IT IS FURTHER ORDERED that Complainant shall reply to Respondent's answer no later than _____, 2001.

IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and regulations of the Commission, except that responses to discovery requests shall be made within _____ days of receipt. Any objections to discovery requests shall be made within _____ days of receipt of such request.

DATED this _____ day of _____, 2001.

Administrative Law Judge

1190665/75206.001