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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

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- 3 JEFF HATCH-MILLER, Chairman
- 4 WILLIAM A. MUNDELL
- 5 MARC SPITZER
- 6 MIKE GLEASON
- 7 KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

8 IN THE MATTER OF THE APPLICATION OF
9 BEARDSLEY WATER COMPANY FOR
10 DELETION OF A PORTION OF ITS
11 CERTIFICATE OF CONVENIENCE AND
12 NECESSITY.

DOCKET NO. W-02074A-06-0095

PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On February 16, 2006, Beardsley Water Company ("Company" or "Applicant"), filed with
11 the Arizona Corporation Commission ("Commission") an application for a deletion of a portion of its
12 Certificate of Convenience and Necessity ("Certificate") to provide public water utility service in
13 various parts of Maricopa County, Arizona.

14 On March 14, 2006, the Commission's Utilities Division ("Staff") issued a notice of
15 administrative completeness that the Company's application had met the sufficiency requirements of
16 A.A.C. R14-2-411(C).

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

19 IT IS THEREFORE ORDERED that a **hearing** shall commence on **May 4, 2006, at 9:30**
20 **a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,
21 Phoenix, Arizona.

22 IT IS FURTHER ORDERED that Staff shall file its Staff Report and associated exhibits to be
23 presented at hearing on or before 4:00 p.m. on April 19, 2006.

24 IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits
25 to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m.
26 on May 2, 2006.

27 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
28 except that all motions to intervene must be filed on or before April 21, 2006.

1 IT IS FURTHER ORDERED that objections to motions to intervene must be filed by April
2 28, 2006.

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

6 **PUBLIC NOTICE OF THE HEARING FOR**
7 **BEARDSLEY WATER COMPANY FOR DELETION OF A PORTION**
8 **OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
9 **WATER SERVICE**

10 **(W-02074A-06-0095)**

11 On March 14, 2006, Beardsley Water Company ("Company" or "Applicant" filed an
12 application for a deletion of a portion of its Certificate to provide water service for
13 certain areas located in Maricopa County, Arizona.

14 The application is available for inspection during regular business hours at the offices
15 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
16 and at the Applicant's office, [insert office address] and on the internet via the
17 Commission website (www.azcc.gov) using the e-docket function.

18 The Commission will hold a hearing on this matter commencing on **May 4, 2006, at**
19 **9:30 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix,
20 Arizona. Public comments will be taken on the first day of the hearing.

21 The law provides for an open public hearing at which, under appropriate
22 circumstances, interested parties may intervene. Intervention shall be permitted to
23 any person entitled by law to intervene and having a direct and substantial interest in
24 the matter. Persons desiring to intervene must file a written motion to intervene with
25 the Commission, which motion should be sent to Applicant or its counsel and to all
26 parties of record, and which, at the minimum, shall contain the 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 than the
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer of Applicant, a shareholder of Applicant, a competitor, 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 April 21, 2006. 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.

If you have any questions or concerns about this application or have any objections

1 to its approval, or wish to make a statement in support of it, you may write the
2 Consumer Services Section of the Commission at 1200 West Washington Street,
3 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make
4 comment.

5 The Commission does not discriminate on the basis of disability in admission to its
6 public meetings. Persons with a disability may request a reasonable accommodation
7 such as a sign language interpreter, as well as request this document in an alternative
8 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
9 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
10 allow time to arrange the accommodation.

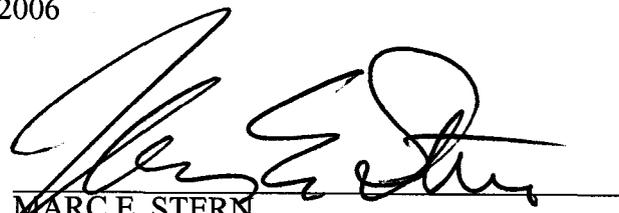
11 IT IS FURTHER ORDERED that Applicant shall cause the above notice mailed to all
12 property owners in the proposed deletion areas and to be published at least once in a newspaper of
13 general circulation in its service territory, with publication to be completed no later than April 5,
14 2006.

15 IT IS FURTHER ORDERED that Applicant shall file certification of mailing/publication as
16 soon as practicable after the mailing/publication has been completed.

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

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

22 Dated this 16TH day of March, 2006

23 
24 MARC E. STERN
25 ADMINISTRATIVE LAW JUDGE

26 Copies of the foregoing mailed/delivered
27 this 16 day of March, 2006 to:

28 Steven A. Hirsch
BRYAN CAVE LLP
Two North Central Avenue, Ste. 2200
Phoenix, AZ 85004
Attorneys for Beardsley Water Company

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

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

4 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Ste. Three
5 Phoenix, Arizona 85004-1104

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8 By: *mjohnson*
Molly Johnson
Secretary to Marc E. Stern

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