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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
BEARDSLEY WATER COMPANY FOR  
DELETION OF A PORTION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02074A-06-0095

AMENDED  
PROCEDURAL ORDER

BY THE COMMISSION:

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

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

On March 16, 2006, by Procedural Order, a hearing was scheduled for May 4, 2006, and other procedural filing dates established for the proceeding.

On March 23, 2006, Staff filed a request to reschedule the proceeding due to the unavailability of a Staff witness. In its request, Staff indicated that the Company had no objections to the proceeding being rescheduled.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding with the proceeding rescheduled as requested by Staff with all other procedural and filing dates, including public notice, to remain as previously ordered.

IT IS THEREFORE ORDERED that the hearing shall be rescheduled to commence on May 8, 2006, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that Staff shall file its Staff Report and associated exhibits to be

1 presented at hearing on or before 4:00 p.m. on April 19, 2006.

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

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

7 IT IS FURTHER ORDERED that objections to motions to intervene must be filed by April  
8 28, 2006.

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

12 **PUBLIC NOTICE OF THE HEARING FOR**  
13 **BEARDSLEY WATER COMPANY FOR DELETION OF A PORTION**  
14 **OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**  
15 **WATER SERVICE**

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

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

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

24 The Commission will hold a hearing on this matter commencing on **May 8, 2006, at**  
25 **9:30 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix,  
26 Arizona. Public comments will be taken on the first day of the hearing.

27 The law provides for an open public hearing at which, under appropriate  
28 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 Applicant 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.
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.).

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

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

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

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

IT IS FURTHER ORDERED that the presiding 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 24<sup>th</sup> day of March, 2006

  
\_\_\_\_\_  
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

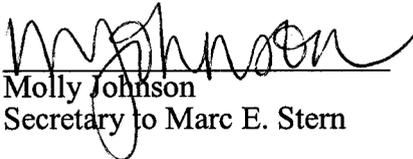
1 Copies of the foregoing mailed/delivered  
this 24 day of March, 2006 to:

2 Steven A. Hirsch  
3 BRYAN CAVE LLP  
4 Two North Central Avenue, Ste. 2200  
5 Phoenix, AZ 85004  
6 Attorneys for Beardsley Water Company

7 Christopher Kempley, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Ernest G. Johnson, Director  
13 Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington  
16 Phoenix, AZ 85007

17 ARIZONA REPORTING SERVICE, INC.  
18 2627 N. Third Street, Ste. Three  
19 Phoenix, Arizona 85004-1104

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By:   
Molly Johnson  
Secretary to Marc E. Stern