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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

1 WILLIAM A. MUNDELL  
2 CHAIRMAN  
3 JIM IRVIN  
4 COMMISSIONER  
5 MARC SPITZER  
6 COMMISSIONER

2002 NOV 25 P 3:23

AZ CORP COMMISSION  
DOCUMENT CONTROL

7 IN THE MATTER OF THE APPLICATION OF  
8 ARIZONA-AMERICAN WATER COMPANY,  
9 AGUA FRIA WATER DISTRICT, FOR AN  
10 EXTENSION OF THE SERVICE AREA UNDER  
11 ITS EXISTING CERTIFICATE OF  
12 CONVENIENCE AND NECESSITY TO PROVIDE  
13 WATER UTILITY SERVICE.

DOCKET NO. WS-01303A-02-0633

Arizona Corporation Commission  
**DOCKETED**

NOV 25 2002

14 IN THE MATTER OF THE APPLICATION OF  
15 ARIZONA-AMERICAN, SUN CITY WEST  
16 WATER DISTRICT FOR A TRANSFER OF A  
17 PARCEL TO THE AGUA FRIA DISTRICT.

DOCKETED BY *CAK*

18 IN THE MATTER OF THE APPLICATION OF  
19 ARIZONA-AMERICAN, ANTHEM/AGUA FRIA  
20 DISTRICT (DISTCO) FOR AN EXTENSION OF  
21 THE SERVICE AREA UNDER ITS EXISTING  
22 CERTIFICATE OF CONVENIENCE AND  
23 NECESSITY TO PROVIDE WASTEWATER  
24 UTILITY SERVICE.

**THIRD**  
**PROCEDURAL ORDER**

25 **BY THE COMMISSION:**

26 On August 20, 2002, Arizona-American Water Company ("AZAM" or "Applicant") on  
27 behalf of its Agua Fria Water District ("AFWD"), Sun City West Water District ("SCWWD") and  
28 Anthem/Agua Fria District ("DISTCO") filed with the Arizona Corporation Commission  
("Commission") an application to extend AFWD's and DISTCO's service areas under their  
Certificate of Convenience and Necessity ("Certificate") for water and wastewater utility service,  
respectively. AZAM also requested approval to transfer a parcel from SCWWD to AFWD..

Pursuant to A.R.S. § 41-1074(C), on September 24, 2002, by Procedural Order, the  
application herein was deemed administratively complete, and set for hearing on December 10, 2002.  
The Procedural Order also established filing, intervention and notice requirements for the proceeding.

On November 12, 2002, the Commission's Utilities Division ("Staff") filed its report.

On November 22, 2002, AZAM and Staff filed what was captioned as "Stipulation Regarding

1 New Hearing Date and Other Procedural Matters” (“Stipulation”). Therein, AZAM and Staff  
 2 stipulated that they had failed to timely meet certain of the “pre-hearing procedural requirements”  
 3 including public notice and agreed to a postponement of the hearing to allow for the issuance of a  
 4 new Procedural Order for the establishment of new filing dates, intervention requirements and notice  
 5 to the public. In the Stipulation, AZAM and Staff agreed as follows: that a hearing be set on or after  
 6 January 8, 2003; that the deadline for filing for intervention be on or before December 27, 2002; that  
 7 AZAM file its comments, if any, to the Staff Report on or before December 18, 2002; and that  
 8 AZAM publish notice of the application and hearing thereon on or before December 6, 2002.

9 In accordance with A.A.C. R14-3-101, the Commission now issues this Procedural Order  
 10 which establishes the preparation and conduct of this proceeding, allows for the postponement of the  
 11 proceeding and the suspension of the time-frame in A.A.C. R14-2-411.

12 IT IS THEREFORE ORDERED that the hearing shall be continued from December 10, 2002  
 13 to **January 16, 2002 at 9:30 a.m.**, at the Commission’s offices, 1200 West Washington Street,  
 14 Phoenix, Arizona.

15 IT IS FURTHER ORDERED that Applicant shall file its comments, if any, to the Staff  
 16 Report by **December 18, 2002**.

17 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
 18 except that all motions to intervene must be filed on or before **December 27, 2002**.

19 IT IS FURTHER ORDERED that Applicant shall serve public notice of this proceeding and  
 20 the opportunity to request a hearing in this matter, in the following form and style:

21 **PUBLIC NOTICE OF APPLICATION BY**  
 22 **ARIZONA-AMERICAN WATER COMPANY, AGUA FRIA WATER DISTRICT, FOR AN**  
 23 **EXTENSION OF THE SERVICE AREA UNDER ITS EXISTING CERTIFICATE OF**  
 24 **CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE, SUN**  
 25 **CITY WEST WATER DISTRICT FOR A TRANSFER OF A PARCEL TO THE AGUA FRIA**  
 26 **WATER DISTRICT AND ANTHEM/AGUA FRIA WATER DISTRICT (DISTCO) FOR AN**  
 27 **EXTENSION OF THE SERVICE AREA UNDER ITS EXISTING CERTIFICATE OF**  
 28 **CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER UTILITY SERVICE**  
**(WS-01303A-02-0633)**

On August 20, 2002, Arizona-American Water Company (“Applicant” or  
 “Company”) filed an application on behalf of its Agua Fria Water District and its  
 Anthem/Agua Fria District for extensions of their Certificate of Convenience and

1 Necessity to provide water and wastewater service, respectively. If the application is  
2 granted, the Company would be the provider of water and wastewater service to the  
3 service territory served by Applicant. Applicant also requested approval to transfer a  
4 parcel from Sun City West Water District to the Agua Fria Water District.

5 The application is available for inspection during regular business hours at the  
6 offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,  
7 Arizona and at the Company's offices, [insert Applicant's address].

8 The Commission will hold a hearing on this matter beginning **January 16,**  
9 **2003 at 9:30 a.m.**, at the Commission's office, 1200 West Washington Street,  
10 Phoenix, Arizona. Public comments will be taken at the commencement of the  
11 hearing.

12 As a property owner or customer you may have the right to intervene in the  
13 proceeding and request a hearing. If you do not want to intervene, you may make oral  
14 or written comments by contacting the Commission at the above addresses.  
15 Intervention shall be permitted to any person entitled by law to intervene and having a  
16 direct and substantial interest in the matter. Persons desiring to intervene must file a  
17 written notice to intervene with the Commission, which motion should be sent to the  
18 Applicant or its counsel and to all parties of record, and which, at the minimum, shall  
19 contain the following:

- 20 1. The name, address, and telephone number of the proposed intervenor  
21 and of any party upon whom service of documents is to be made if  
22 different than the intervenor.
- 23 2. A short statement of the proposed intervenor's interest in the  
24 proceeding (e.g., a customer of the Applicant, a shareholder or member  
25 of the Applicant, etc.)
- 26 3. A statement certifying that a copy of the motion to intervene has been  
27 mailed to the Company or its counsel and to all parties of record in the  
28 case.

19 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
20 except that all motions to intervene must be filed on or before **December 27, 2002.**  
21 The granting of intervention, among other things, entitles a party to present sworn  
22 evidence at hearing and to cross-examine other witnesses. However, failure to  
23 intervene will not preclude any customer from appearing at the hearing and making a  
24 statement on such customer's own behalf.

25 If you have any questions or concerns about this application or have any  
26 objections to its approval, or wish to make a statement in support of it, you may write  
27 the Consumer Services Section of the Commission at 1200 West Washington Street,  
28 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
comment.

25 The Commission does not discriminate on the basis of disability in admission to  
26 its public meetings. Persons with a disability may request a reasonable accommodation  
27 such as a sign language interpreter, as well as request this document in an alternative  
28 format, by contacting Shelly M. Hood, ADA Coordinator, voice phone number  
602/542-3931, E-mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us). Requests should be made as early as  
possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that Applicant shall publish a copy of this notice in a newspaper  
2 of general circulation in the certificated area on or before **December 6, 2002**.

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

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

7 IT IS FURTHER ORDERED that the time-frame shall be suspended.

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

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

12 DATED this 25<sup>th</sup> day of November, 2002.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

13  
14  
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16  
17 Copies of the foregoing mailed  
this 25<sup>th</sup> day November, 2002 to:

18 Norman D. James  
19 Jay Shapiro  
20 Fennemore Craig, P.C.  
21 3003 North Central Avenue  
22 Phoenix, AZ 85012-2913  
23 Attorneys for Arizona-American Water  
24 Company

25 Christopher Kempley, Chief Counsel  
26 Legal Division  
27 ARIZONA CORPORATION COMMISSION  
28 1200 West Washington Street  
Phoenix, Arizona 85007

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

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

By:   
Molly Johnson  
Secretary to Marc E. Stern