



BEFORE THE ARIZONA CORPORATION COMMISSION

05

COMMISSIONERS

2006 APR 28 P 2:00

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  
UTILITY SOURCE, L.L.C. FOR AN EXTENSION  
OF ITS CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER AND  
WASTEWATER SERVICE IN COCONINO  
COUNTY, ARIZONA.

DOCKET NO. WS-04235A-05-0707

THIRD  
PROCEDURAL ORDER

BY THE COMMISSION:

On October 6, 2005, Utility Source, L.L.C. ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and wastewater utility service to various parts of Coconino County, Arizona.

On November 3, 2005, pursuant to A.A.C. R14-2-411(C) and A.A.C. R14-2-610(C), the Commission's Utilities Division ("Staff") issued a notice of insufficiency.

On February 10, 2006, Staff issued a notice of sufficiency.

On February 17, 2006, by Procedural Order, a hearing was scheduled for April 26, 2006, filing dates established and the Company was ordered to provide public notice.

On March 31, 2006, the Company filed an affidavit that it had mailed notice of the proceeding to property owners in the extension area.

On April 7, 2006, Bellemont Development Company ("BDC") filed an application to intervene in the proceeding. No objections were filed to BDC's request.

On April 18, 2006, by Procedural Order, BDC was granted intervention.

On April 26, 2006, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. Applicant, BDC and Staff appeared with counsel. No one appeared to make public comment. Instead of an evidentiary hearing, a procedural conference was conducted.

1 Due to the fact that the Company had failed to comply with Decision No. 67446 (January 4,  
2 2005) wherein the Commission ordered the Company to apply for an "extension of its CC&N once it  
3 had secured (emphasis added) adequate water supplies for the "Phase II" area in accordance with  
4 ADWR requirements, the proceeding was continued. Additionally, the time-clock was suspended  
5 until such time as the Company secures the required ADWR documentation after which the  
6 proceeding will be rescheduled and public notice given in accordance with the Commission's  
7 February 17, 2006, Procedural Order, which required notice to not only be mailed to property owners  
8 in the extension area, but also to Applicant's customers and also required the Company to publish  
9 notice of the proceeding at least once in a newspaper of general circulation in Applicant's service  
10 territory.

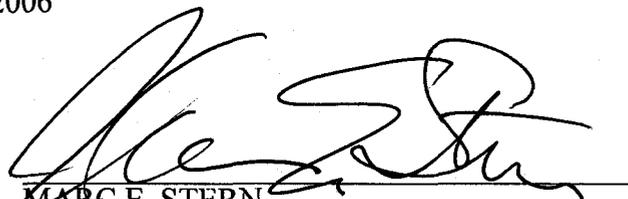
11 Accordingly, the proceeding should be continued and the time-clock suspended.

12 IT IS THEREFORE ORDERED that the above-captioned proceeding is hereby continued and  
13 the time-clock suspended until such time as Utility Source, L.L.C. files with the Commission's  
14 Docket Control the required documentation issued by the Arizona Department of Water Resources  
15 which establishes whether Utility Source, L.L.C. has adequate water to serve the extension area as  
16 ordered by Decision No. 67446.

17 IT IS FURTHER ORDERED that upon the filing by Utility Source, L.L.C. of the Arizona  
18 Department of Water Resources' documentation referred to above, the proceeding shall be  
19 rescheduled for hearing after public notice is provided consistent with the rescheduling of the  
20 proceeding.

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

24 Dated this 28<sup>TH</sup> day of April, 2006

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26  
27   
28 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered  
this 27 day of April, 2006 to:

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22 Secretary to Marc E. Stern  
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