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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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MARC SPITZER, Chairman  
JIM IRVIN  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON

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AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE EMERGENCY  
APPLICATION OF FORTY NINER WATER  
COMPANY FOR AN EMERGENCY RATE  
INCREASE.

DOCKET NO. W-01777A-02-0547

PROCEDURAL ORDER

BY THE COMMISSION:

By Procedural Order docketed January 28, 2003, the Arizona Corporation Commission ("Commission") modified Decision No. 65352 (November 1, 2002) by extending the deadline for Forty Niner Water Company ("Forty Niner" or Company") to file a permanent rate case until May 1, 2003. The Commission extended the deadline because the Company had a pending application to sell its assets to the City of Tucson (Docket No. W-01777A-02-0175).

The Commission held a hearing on the application to sell assets on April 8, 2003, and is expected to consider the application at an Open Meeting within 60 days. If the Commission approves the sale of assets, the permanent rate increase becomes moot.

It is therefore reasonable and in the public interest to extend the deadline for the Company to file a permanent rate application until after the Commission has had an opportunity to consider the application for sale of assets.

IT IS THEREFORE ORDERED that the May 1, 2003 deadline established in the January 28, 2003 Procedural Order, is vacated.

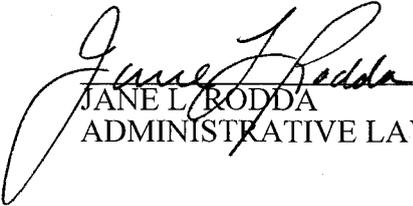
IT IS FURHTER ORDERED that in the event the Commission does not approve the sale of assets in Docket No. W-01777A-02-0175, Forty Niner Water Company shall file a permanent rate application no later than 30 days after the date of the Commission's Open Meeting during which the Commission takes action to reject the sale.

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1 IT IS FURTHER ORDERED that the Commission may rescind, alter, amend, or waive any  
2 portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 30<sup>th</sup> day of April, 2003

4  
5   
6 JANE L. RODDA  
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed  
this 30<sup>th</sup> day of April, 2003 to:

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