



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2005 APR 13 P 3:14

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF PERKINS MOUNTAIN UTILITY COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. SW-20379A-05-0489

IN THE MATTER OF THE APPLICATION OF PERKINS MOUNTAIN WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-20380A-05-0490

PROCEDURAL ORDER

BY THE COMMISSION:

On July 7, 2005, Perkins Mountain Utility Company ("Perkins Utility") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide wastewater service to a master-planned community in Mohave County, Arizona.

On July 7, 2005, Perkins Mountain Water Company ("Perkins Water") filed an application with the Commission for a Certificate to provide water service to a master-planned community in Mohave County, Arizona.

On July 22, 2005, Perkins Utility and Perkins Water (collectively, "the Companies" or "Applicants") filed a Notice of Filing of Certificate of Good Standing in the above dockets.

On August 8, 2005, the Commission's Utilities Division Staff ("Staff") filed Insufficiency Letters in the above dockets.

On August 25, 2005, Scott Fisher of Sports Entertainment filed a request that Perkins Utility include a portion of Sports Entertainment's parcel in the proposed Certificate area for docket SW-20379A-05-0489.

On August 30, 2005, Perkins Utility and Perkins Water filed responses in the above dockets.

On September 14, 2005, Perkins Utility and Perkins Water filed a Notice of Filing Amended

1 Legal Description for the above dockets.

2 On September 19, 2005, Staff filed its Sufficiency Letters indicating that Perkins Utility and
3 Perkins Water applications have met the sufficiency requirements of A.A.C. R14-2-402C.

4 On September 27, 2005, Sports Entertainment filed an Application to Intervene in Docket No.
5 SW-20379A-05-0489 and Docket No. W-20380A-05-0490.

6 On November 10, 2005, Staff filed its Staff Report.

7 On November 23, 2005, Perkins Utility and Perkins Water filed a Response to Staff's Report.

8 On November 29, 2005, Sports Entertainment was granted intervention for both dockets.

9 On December 5, 2005, a hearing was convened before a duly authorized Administrative Law
10 Judge of the Commission at its offices in Phoenix, Arizona. The Companies, Sports Entertainment
11 and Staff entered appearances through counsel. Staff made its closing statement. At the conclusion
12 of the hearing, pending docketing of closing briefs by the Companies and Sports Entertainment, the
13 matter was taken under advisement pending issuance of a Recommended Opinion and Order.

14 On January 6, 2006, the Companies and Sports Entertainment filed closing briefs in this
15 docket.

16 On February 10, 2006, the Companies filed an Analysis of Adequate Water Supply issued by
17 the Arizona Department of Water Resources. The filing indicated that legal availability and
18 continuous availability of the water supply were not proven at the time the letter was issued on
19 October 19, 2005.

20 On February 17, 2006, Commissioner Kristin Mayes filed a letter in this docket.

21 On March 6, 2006, a letter from Jan Emming of Yucca, Arizona was filed in this docket. On
22 the same day, the Companies filed a Motion for Expedited Procedural Conference.

23 On March 7, 2006, the Companies filed their Notice of Filing Response to Commissioner
24 Mayes' February 17, 2006 Letter.

25 On March 8, 2006, Staff filed its Response to Motion for Expedited Procedural Conference.
26 On the same day, a second letter from Jan Emming of Yucca, Arizona was filed in this docket.

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1 On March 13, 2006, by Procedural Order, a procedural conference was scheduled for March
2 17, 2006 and the timeclock was extended. On the same day, Commissioner Mayes filed a letter in the
3 docket and the Companies filed a Notice of Filing Franchise Agreements.

4 On March 15, 2006, Consumer Comments were filed in the docket.

5 On March 16 and March 22, 2006, Commissioner Marc Spitzer filed a letter in the docket.

6 On March 17, 2006, a procedural conference was held as scheduled to determine how to
7 proceed with this matter in light of new information regarding water adequacy in the proposed
8 CC&N area.

9 On March 23, 2006, Commissioner Mayes filed a letter in the docket. On the same day, the
10 Companies filed a Notice of Revision to the Service List and Staff filed Staff's Notice Re: Addendum
11 to Staff Report requesting until June 30, 2006, to prepare its Addendum to Staff Report. The
12 Companies have not objected to Staff's Notice Re: Addendum to Staff Report.

13 On March 29, 2006, a letter jointly signed by Jim Woods, 2005 Board President of the Boys
14 & Girls Club of Kingman, and Noreen Frisch, Executive Director, was filed in the docket. On the
15 same day, Staff filed letters in the docket addressed to Mohave County Planning and Zoning, the
16 Arizona Geological Survey, and the Arizona Department of Water Resources.

17 On March 31, 2006, Staff filed its First Set of Data Requests to the Companies and Perkins
18 Water filed its Amendment to Application for a Certificate of Convenience and Necessity for Perkins
19 Mountain Water Company ("Amendment"). The Amendment requested a CC&N for a portion of the
20 service area originally requested and an Order Preliminary for the remainder of the service area
21 originally requested.

22 On April 4, 2006, a procedural order was issued ordering public comment sessions in Lake
23 Havasu City and Kingman, Arizona to take place on April 10, 2006.

24 On April 10, 2006, the public comment sessions took place as scheduled.

25 On April 11, 2006, two items were docketed including a letter to the editor by Bill Bronn
26 printed in the newspaper "The Standard" and a letter from Paul J. Samoska of Kingman, Arizona.

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1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
2 on **July 31, 2006, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices,
3 1200 W. Washington, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that the parties shall also set aside August 1, 2006, for an
5 additional day of hearing, if necessary.

6 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
7 except that all motions to intervene must be filed on or before May 30, 2006.

8 IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or
9 before June 13, 2006.

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

13
14 **PUBLIC NOTICE OF HEARING ON THE APPLICATIONS BY**
15 **PERKINS MOUNTAIN UTILITY COMPANY FOR CERTIFICATE OF CONVENIENCE**
16 **AND NECESSITY TO PROVIDE WASTEWATER AND PERKINS WATER COMPANY**
17 **FOR CERTIFICATE OF CONVENIENCE**
18 **AND NECESSITY TO PROVIDE WATER SERVICE**
19 **IN MOHAVE COUNTY, ARIZONA**
20 **DOCKET NOS. SW-20379A-05-0489 and W-20380A-05-0490**

21 On July 7, 2005, Perkins Mountain Utility Company ("Perkins Utility") filed with
22 the Arizona Corporation Commission ("Commission") an application for a
23 Certificate of Convenience and Necessity ("Certificate") to provide wastewater, and
24 Perkins Mountain Water Company ("Perkins Water") to provide water, to two
25 master-planned communities in Mohave County, Arizona. Golden Valley South
26 consists of 5,750 acres and is located approximately five miles southeast of
27 Kingman, Arizona. The Villages at White Hills consists of approximately 2,727
28 acres and is located along U.S. Highway 93, approximately 29 miles south of
Hoover Dam. If the Application is granted, Perkins Utility and Perkins Water would
be the exclusive provider of wastewater and water service to the proposed areas, and
would be required by the Commission to provide service under rates and charges and
terms and conditions established by the Commission. On March 31, 2006, Perkins
Mountain Utility Company and Perkins Mountain Water filed an Amendment to
their Application for a Certificate of Convenience and Necessity for Perkins
Mountain Water Company ("Amendment"). The Amendment requested a
Certificate for a portion of the service area originally requested and an Order
Preliminary for the remainder of the service area originally requested.

The amended application is available for inspection during regular business hours at
the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix,

1 Arizona or in Tucson at 400 West Congress Street, Suite 218, and at the Companies'
2 offices, [insert address].

3 The Commission will hold a **hearing** on this matter on **July 31, 2006 at 10:00 a.m.**,
4 or as soon thereafter as is practical, at the Commission's offices, 1200 W. Washington
5 Street, Phoenix, Arizona. Public comment will be taken on the first day of the
6 hearing.

7 The law provides for an open public hearing at which, under appropriate
8 circumstances, interested parties may intervene. Intervention shall be permitted to any
9 person entitled by law to intervene and having a direct and substantial interest in the
10 matter. Persons desiring to intervene must file a written notice to intervene with the
11 Commission, which motion should be sent to the Applicants or their counsel and to all
12 parties of record, and which, at the minimum, shall contain the following:

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

22 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
23 that all motions to intervene must be filed on or before **May 30, 2006**. The granting of
24 intervention, among other things, entitles a party to present sworn evidence at hearing
25 and to cross-examine other witnesses. Failure to intervene will not preclude any
26 customer from appearing at the hearing and making a statement on the customer's own
27 behalf. However, you will not receive any further notice of the proceeding unless
28 requested by you.

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 Applicants shall publish notice of the Amended
Application in a newspaper of general circulation in the proposed extension area and shall mail to
each property owner in the requested extension area a copy of the above notice by May 1, 2006.

1 IT IS FURTHER ORDERED that the Applicants shall file certifications of publication and
2 mailing as soon as practicable after the publication and mailing has been completed but not later than
3 May 15, 2006.

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

6 IT IS FURTHER ORDERED that Staff shall file its Addendum to Staff Report no later than
7 June 30, 2006.

8 IT IS FURTHER ORDERED that Intervenor testimony, if any, shall be filed no later than
9 June 30, 2006.

10 IT IS FURTHER ORDERED that responsive testimony by the Applicants shall be filed no
11 later than July 14, 2006.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
13 Communications) applies to this proceeding and shall remain in effect until the Commission's
14 Decision in this matter is final and non-appealable.

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

17 DATED this 13 day of April, 2006

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21 AMY BJELLAND
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered
23 this 13 day of April, 2006 to:

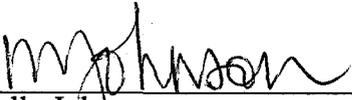
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13 Phoenix, Arizona 85004-1104

14 By: 
15 Molly Johnson
16 Secretary to Amy Bjelland
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