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BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED

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AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF ST.
DAVID WATER ASSOCIATE FOR A
PERMANENT RATE INCREASE.

DOCKET NO. W-02084A-01-0389

IN THE MATTER OF THE APPLICATION OF ST.
DAVID WATER ASSOCIATION FOR
FINANCING APPROVAL.

DOCKET NO. W-02084A-01-0636

RATE CASE
PROCEDURAL ORDER

BY THE COMMISSION:

On May 7, 2001, St. David Water Association ("St. David" or "Applicant") filed with the Arizona Corporation Commission ("Commission") a rate application for a permanent rate increase.

On July 17, 2001, the Utilities Division ("Staff") of the Commission filed a letter indicating that Applicant's rate application was sufficient.

On August 3, 2001, St. David filed with the Commission an application requesting financing approval.

On September 24, 2001, Staff filed the Staff Report.

On October 29, 2001, St. David filed objections to the Staff Report and requested a hearing.

On November 5, 2001, St. David filed a letter waiving the requirements of rule A.A.C. R14-2-103.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the above-captioned matters shall be consolidated for purposes of hearing.

IT IS FURTHER ORDERED that the hearing in the above-captioned matter shall commence on January 3, 2002 at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices in Tucson, 400 West Congress Street, Tucson, Arizona.

1 IT IS FURTHER ORDERED that any of Applicant's rebuttal evidence and exhibits to be
2 presented at hearing on behalf of Applicant and not previously filed with the applications shall be
3 reduced to writing and filed on or before December 14, 2001.

4 IT IS FURTHER ORDERED that any surrebuttal evidence and associated exhibits to be
5 presented by the Staff shall be reduced to writing and filed on or before December 21, 2001.

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 December 14, 2001.

8 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
9 regulations of the Commission, except that: any objection to discovery requests shall be made within
10 7 days of receipt; responses to discovery requests shall be made within 10 days of receipt; the
11 response time may be extended by mutual agreement of the parties involved if the request requires an
12 extensive compilation effort; and no discovery requests shall be served after December 14, 2001.

13 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
14 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
15 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
16 request, a procedural hearing will be convened as soon as practicable; and that the party making such
17 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
18 hearing provide a statement confirming that the other parties were contacted.¹

19 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
20 not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed
21 denied.

22 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
23 the filing date of the motion.

24 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
25 of the response.

26 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in
27

28 ¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 this matter, in the following form and style:

2
3 **PUBLIC NOTICE OF HEARING ON THE**
4 **RATE AND FINANCING APPLICATIONS OF**
5 **ST DAVID WATER ASSOCIATION**

6 On May 7, 2001 and on August 3, 2001, St. David Water Association
7 (“Company”) filed applications with the Arizona Corporation Commission for a 31
8 percent increase in water rates, and for financing approval, respectively. The actual
9 percentage rate increase for individual customers will vary depending upon the type and
10 quantity of service provided. Copies of the Company’s applications and proposed tariffs
11 are available at their offices and the Commission’s offices for public inspection during
12 regular business hours.

13 The Commission will hold a hearing on this matter beginning January 3, 2002 at
14 10:00 a.m. at the Commission’s offices, 400 West Congress, Tucson, Arizona. Public
15 comments will be taken at the outset of the hearing.

16 The law provides for an open public hearing at which, under appropriate
17 circumstances, interested parties may intervene. Intervention shall be permitted to any
18 person entitled by law to intervene and having a direct and substantial interest in the
19 matter. Persons desiring to intervene must file a written motion to intervene with the
20 Commission, which motion should be sent to the Companies or their counsel and to all
21 parties or record, and which, at the minimum, shall contain the following:

- 22 1. The name, address, and telephone number of the proposed intervenor and of any
23 party upon whom service of documents is to be made if different than the
24 intervenor.
- 25 2. A short statement of the proposed intervenor’s interest in the proceeding (e.g., a
26 customer of one of the Companies, a shareholder of one of the Companies, etc.).
- 27 3. A statement certifying that a copy of the motion to intervene has been mailed to
28 the Companies or their 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 December 10, 2001. 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 Shelly Hood, ADA Coordinator, voice phone number 602/542-
0838, E-mail shood@cc.state.az.us. Requests should be made as early as possible to

1 allow time to arrange the accommodation.

2 IT IS FURTHER ORDERED that the Applicant shall mail to each of its customers a copy of
3 the above notice by November 30, 2001.

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

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

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

10 DATED this 6TH day of November, 2001.

11 
12 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 6th day of November, 2001 to:

15 Reg Garavito, Board President
16 Fred Kartchner, Operations Manager
17 St. David Water Association
112 W. Patton Street
St. David, AZ 85630

18 Christopher Kempley, Chief Counsel
19 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

20 Ernest G. Johnson, Director
21 Utilities Division
ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
Phoenix, Arizona 85007

23 ARIZONA REPORTING SERVICE, INC.
24 2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

25
26
27 By: 
Molly Johnson
28 Secretary to Marc E. Stern