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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

Arizona Corporation Commission

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2 WILLIAM A. MUNDELL  
CHAIRMAN  
3 JIM IRVIN  
COMMISSIONER  
4 MARK SPITZER  
COMMISSIONER

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AZ CORP COMMISSION  
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5  
6 IN THE MATTER OF THE APPLICATION OF  
7 BELLA VISTA WATER CO., INC., FOR  
ADJUSTMENTS TO ITS RATES AND CHARGES  
FOR WATER UTILITY SERVICES.

DOCKET NO. W-02465A-01-0776

PROCEDURAL ORDER

8 **BY THE COMMISSION:**

9 On September 28, 2001, Bella Vista Water Company, Inc. ("Bella Vista" or "Company") filed  
10 with the Arizona Corporation Commission ("Commission") a rate application.

11 On October 29, 2001, the Utilities Division Staff ("Staff") of the Commission filed a letter  
12 indicating the Company's rate application was sufficient and classifying the Company as a Class B  
13 utility.

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

16 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall  
17 commence on **July 25, 2002 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's  
18 offices, **Room 222, 400 West Congress Street, Tucson, Arizona 85701.**

19 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on **July 18, 2002**, at  
20 **1:30 p.m.** at the Commission's Tucson offices, for the purpose of scheduling witnesses and the  
21 conduct of the hearing.

22 IT IS FURTHER ORDERED that the Staff Report and/or any testimony and associated  
23 exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before  
24 **noon on April 29, 2002.**

25 IT IS FURTHER ORDERED that any testimony and associated exhibits to be presented at  
26 hearing on behalf of intervenors shall be reduced to writing and filed on or before **noon on April 29,**  
27 **2002.**

1 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be  
2 presented at hearing by the Company shall be reduced to writing and filed on or before **noon on May**  
3 **28, 2002.**

4 IT IS FURTHER ORDERED that any surrebuttal testimony and associated exhibits to be  
5 presented by the Staff or intervenors shall be reduced to writing and filed on or before **noon on June**  
6 **18, 2002.**

7 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be  
8 presented at the hearing on behalf of the Company shall be reduced to writing and filed on or before  
9 **noon on July 9, 2002.**

10 IT IS FURTHER ORDERED that any objections to any testimony or exhibits that have been  
11 prefiled as of July 9, 2002, shall be made before or at the July 18, 2002 pre-hearing conference.

12 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which  
13 lists the issues discussed.

14 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
15 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
16 scheduled to testify.

17 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the  
18 pre-filed testimony of each of their witnesses and shall file each summary at least two working days  
19 before the witness is scheduled to testify.

20 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding  
21 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

22 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
23 except that all motions to intervene must be filed on or before March 30, 2002.

24 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
25 regulations of the Commission, except that: until July 9, 2002, any objection to discovery requests  
26 shall be made within 7 days<sup>1</sup> of receipt and responses to discovery requests shall be made within 10  
27

28 <sup>1</sup> "Days" means calendar days.

1 days of receipt; thereafter, objections to discovery requests shall be made within 5 days and responses  
2 shall be made in 7 days<sup>1</sup>; the response time may be extended by mutual agreement of the parties  
3 involved if the request requires an extensive compilation effort; and no discovery requests shall be  
4 served after July 19, 2002.

5 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
6 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
7 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
8 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
9 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the  
10 hearing provide a statement confirming that the other parties were contacted<sup>2</sup>

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

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

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

18 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in  
19 this matter, in the following form and style:

20  
21 **PUBLIC NOTICE OF HEARING ON THE**  
**RATE APPLICATION OF**  
22 **BELLA VISTA WATER COMPANY, INC.**

23 On September 28, 2001, Bella Vista Water Company, Inc. ("Company") filed an  
24 application with the Arizona Corporation Commission for a 20 percent increase in  
25 revenues. The actual percentage rate increase for individual customers will vary  
26 depending upon the type and quantity of service provided. Copies of the Company's  
27 application and proposed tariffs are available at its office and the Commission's offices  
28 for public inspection during regular business hours.

<sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 The Commission will hold a hearing on this matter beginning July 25, 2002 at 10:00  
2 a.m. at the Commission's offices, Room 222, 400 West Congress Street, Tucson,  
3 Arizona. Public comments will be taken on the first day of the hearing.

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

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

19 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
20 that all motions to intervene must be filed on or before March 30, 2002. The granting  
21 of intervention, among other things, entitles a party to present sworn evidence at  
22 hearing and to cross-examine other witnesses. However, failure to intervene will not  
23 preclude any customer from appearing at the hearing and making a statement on such  
24 customer's own behalf.

25 The Commission does not discriminate on the basis of disability in admission to its  
26 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 Hood, ADA Coordinator, voice phone number 602/542-  
3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to  
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Company shall mail to each of its customers a copy of  
the above notice by December 31, 2001.

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

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

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

3  
4 DATED this 6<sup>th</sup> day of November, 2001.

5   
6 JANE L. RODDA  
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed  
9 this 6<sup>th</sup> day of November, 2001 to:

10 Ms. Judith Gignac  
11 Bella Vista Water Company, Inc.  
12 PO Box 1150  
13 Sierra Vista, AZ 85636-1150

14 Wiliam P Sullivan, Esq.  
15 Paul R. Michaud, Esq.  
16 Martinez & Curtis, P.C.  
17 2712 North Seventh Street  
18 Phoenix, Arizona 85006-1090  
19 Attorneys for Bella Vista

20 Ron Kozoman, CPA  
21 1605 West Mulberry Drive  
22 Phoenix, Arizona 85015

23 Mr. Christopher Kempley, Chief Counsel  
24 LEGAL DIVISION  
25 Arizona Corporation Commission  
26 1200 W. Washington Street  
27 Phoenix, Arizona 85007

28 Mr. Ernest Johnson, Director  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

Arizona Reporting Service, Inc.  
2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1103

By: 