

ORIGINAL



0000056612

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

JUN 28 2006

2006 JUN 28 10 2:48

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

RB

COMMISSIONERS

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

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 September 19, 2005, the Commission's Utilities Division Staff ("Staff") filed its Sufficiency Letters indicating that Perkins Utility and Perkins Water (collectively, "the Companies") applications had met the sufficiency requirements of A.A.C. R14-2-402C.

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

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

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

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

On January 31, 2006, a Recommended Opinion and Order was issued in this matter.

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

5 On March 6, 2006, the Companies filed a Motion for Expedited Procedural Conference

6 On March 8, 2006, Staff filed its Response to Motion for Expedited Procedural Conference.

7 On March 13, 2006, by Procedural Order, a procedural conference was scheduled for March  
8 17, 2006 and the timeclock was extended. On March 17, 2006, the procedural conference was held  
9 as scheduled to determine how to proceed with this matter in light of new information regarding  
10 water adequacy in the proposed CC&N area.

11 On March 23, 2006, Staff filed Staff's Notice Re: Addendum to Staff Report requesting until  
12 June 30, 2006, to prepare its Addendum to Staff Report.

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

18 On April 13, 2006, by Procedural Order, a procedural schedule was issued, and a hearing was  
19 set for July 31, 2006.

20 On May 3, 2006, the Companies filed Notice of Publication.

21 On June 23, 2006, Staff filed a Motion to Compel, stating that the Companies have failed to  
22 provide adequate responses to two data requests. Staff stated that it has been in contact with the  
23 Companies previously regarding the discovery dispute, but that recent data responses by the  
24 Companies indicate to Staff that they have reached an impasse.

25 On June 26, 2006, Staff filed a request to modify the procedural schedule stating that  
26 additional time is needed to review the documents provided by the Companies in response to Staff's  
27 requests for data.

28 IT IS THEREFORE ORDERED that the Companies shall file a response to Staff's Motion to

1 Compel no later than July 6, 2006.

2 IT IS FURTHER ORDERED that the Companies shall file a response to Staff's Motion to  
3 modify the procedural schedule no later than July 6, 2006.

4 IT IS FURTHER ORDERED that the current due date of June 30, 2006 for Staff's Addendum  
5 to the Staff Report shall be, and hereby is, suspended pending the resolution of the two motions filed  
6 by Staff.

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

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

12 DATED this 28 day of June, 2006

13  
14   
15 AMY BJELLAND  
16 ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered  
18 this 28 day of June, 2006 to:

19 Robert J. Metli  
20 Kimberly A. Grouse  
21 SNELL & WILMER  
22 One Arizona Center  
23 400 East Van Buren Street  
24 Phoenix, AZ 85004

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

25 Booker T. Evans  
26 Kimberly A. Warshawsky  
27 GREENSBURG TRAUIG  
28 2375 E. Camelback Road, Ste. 700  
Phoenix, AZ 85016  
Attorneys for Sports Entertainment, LLC

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

By:   
Molly Johnson  
Secretary to Amy Bjelland

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