

ORIGINAL



0000056743

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

25TD

COMMISSIONERS

Arizona Corporation Commission

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

2006 JUL -7 P 1:20

DOCKETED

JUL 07 2006

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WATER COMPANY FOR AN  
EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY AT CASA  
GRANDE IN PINAL COUNTY

DOCKET NO. W-01445A-06-0059

PROCEDURAL ORDER

BY THE COMMISSION:

On February 1, 2006, Arizona Water Company ("AWC" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") for its Casa Grande System in Pinal County, Arizona.

On March 3, 2006, Staff filed a Sufficiency Letter in this docket indicating that the Applicant's application has met the sufficiency requirements as outlined in the Arizona Administrative Code.

On March 10, 2006, by Procedural Order, a hearing was scheduled for April 27, 2006.

On March 15, 2006, Staff filed a request to reset the hearing due to witness unavailability. Staff stated in its request that it contacted AWC, and that AWC had no objection to Staff's request.

On March 23, 2006, by Procedural Order, the hearing was rescheduled.

On April 3, 2006, Staff filed its Staff Report recommending approval of the Application with conditions.

On May 8, 2006, the hearing was held as scheduled and public comment was taken. At the hearing, the parties agreed that the hearing should be continued to give the Applicant time to respond to the public comment and that further deadlines needed to be set.

On May 11, 2006, by Procedural Order, the hearing was rescheduled to commence on July 10, 2006.

On May 17, 2006, Applicant filed a Motion to Continue the Hearing stating that counsel for

1 Applicant had a scheduling conflict. No objection to the Motion to Continue was filed.

2       On May 18, 2006, Ridgeview Utility Company, Picacho Water Company, Lago Del Oro  
3 Water Company and Santa Rosa Water Company (collectively "Robson Utilities") filed a Motion to  
4 Intervene, stating that it has a "direct interest in the uniform and equitable application of the  
5 Commission's policies, decisions and rules in this case." Robson Utilities also stated, that if AWC's  
6 application is approved, Robson would be forever precluded from providing service within the  
7 proposed extension area and the application's approval would set a precedent for granting CC&Ns  
8 where there are no requests for service.

9       On May 30, 2006, AWC filed a Motion in Opposition to Robson Utilities' Motion to  
10 Intervene. In its filing, AWC alleged that Robson Utilities' Motion to Intervene violated the  
11 Procedural Order governing interventions by going outside the scope of the pre-filed public  
12 comments in this docket, as well as the granting of Robson Utilities' intervention would unduly  
13 broaden the issues in the case.

14       On June 5, 2006, Robson Utilities filed a Reply in Support of its Motion to Intervene.

15       On June 7, 2006, Staff filed an Objection to Robson Utilities' Motion to Intervene stating that  
16 because Robson Utilities has not applied for an extension of its CC&N to include the proposed  
17 extension area, allowing intervention would unduly broaden the issues in this matter by creating a  
18 comparison between competing water providers.

19       On June 8, 2006, by Procedural Order, the hearing was rescheduled for August 3, 2006.

20       On June 13, 2006, Robson Utilities filed a second Reply in Support of its Motion to Intervene,  
21 stating that Staff's Objection to their intervention was untimely.

22       Pursuant to A.A.C. R14-3-105.A, intervention may be granted to "persons . . . who are  
23 directly and substantially affected by the proceedings." Additionally, A.A.C. R14-3-105.B states that  
24 "no application for leave to intervene shall be granted where by so doing the issues theretofore  
25 presented will be unduly broadened." Here, Robson Utilities has been afforded the opportunity to  
26 submit public comment in this matter. Robson Utilities in both its public comment and its Motion to  
27 Intervene raised concerns regarding requests for service in the proposed extension area and the  
28 benefits of integrated utilities. Robson Utilities' Motion goes on to state that it is Commission policy

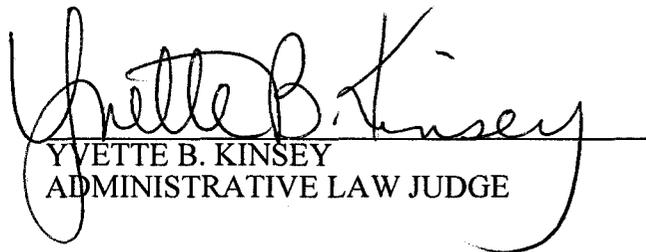
1 to deny requests for CC&N extensions where there are no requests for service. In the instant case,  
2 Robson Utilities does not have standing to address that issue because it does not have any requests for  
3 service, an application for a CC&N or an application for extension of its CC&N for the proposed  
4 extension area. Robson Utilities also raises the issue that because AWC is not an integrated utility it  
5 would not be in the public interest for it to receive an extension of its CC&N. On this issue, we agree  
6 with Staff that allowing Robson Utilities to intervene would unduly broaden the scope of this  
7 proceeding. It would require Staff to conduct a comparison between competing water providers,  
8 when one of them has no pending application or request for service in the proposed extension area.  
9 Robson Utilities has not demonstrated that it is directly and substantially affected by AWC's  
10 application. Therefore, Robson Utilities' Motion to Intervene should be denied.

11 IT IS THEREFORE ORDERED that Robson Utilities' Motion to Intervene is hereby denied  
12 for the foregoing reasons.

13 IT IS FURTHER ORDERED that the timeclock in this matter shall be suspended accordingly.

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

17 Dated this 7<sup>th</sup> day of July, 2006

18  
19  
20   
21 YVETTE B. KINSEY  
22 ADMINISTRATIVE LAW JUDGE  
23  
24  
25  
26  
27  
28

1 Copies of the foregoing mailed/delivered  
this 7th day of July, 2006 to:

2 Robert W. Geake  
3 Arizona Water Company  
4 P.O. Box 29006  
Phoenix, AZ 85038

5 Michael W. Patten  
6 ROSHKA DeWULF & PATTEN  
7 400 East Van Buren Street, Ste. 800  
Phoenix, AZ 85004  
Attorneys for Global Water Resources, LLC

8 Jeffrey W. Crockett  
9 Marcie Montgomery  
10 SNELL & WILMER  
400 East Van Buren Street  
Phoenix, AZ 85004  
Attorneys for Robson Utilities

11 Christopher Kempley, Chief Counsel  
12 Legal Division  
13 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

14 Ernest G. Johnson, Director  
15 Utilities Division  
16 ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, AZ 85007

17 By:   
18 Molly Johnson  
19 Secretary to Yvette B. Kinsey

20  
21  
22  
23  
24  
25  
26  
27  
28