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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES COMPANY, L.L.C. FOR
AN EXTENSION OF ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER AND WASTEWATER
SERVICE.

DOCKET NO. WS-02987A-04-0288

PROCEDURAL ORDER

BY THE COMMISSION:

On October 25, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68237 which granted Johnson Utilities Company ("JUC") an extension of its Certificate of Convenience and Necessity ("Certificate") to provide public water and wastewater utility service to various parts of Pinal County, Arizona.

Decision No. 68237 required JUC, among other things, to "procure a \$500,000 performance bond, with proof of such performance bond filed in Docket Control, as a compliance item in this docket, prior to retail service being provided to any customers in the CC&N extension area."

On March 14, 2006, JUC filed an Application to Amend Decision No. 68237. In its Application, JUC states that it has obtained a Letter of Credit for \$500,000 in lieu of a performance bond and therefore seeks an amendment to Decision No. 68237 to allow substitution of the Letter of Credit for the Performance Bond.

On April 21, 2006, the Commission's Utilities Division Staff ("Staff") filed a Response to Motion to Amend Decision No. 68237. Staff indicated that the Irrevocable Letter of Credit obtained by JUC "conforms sufficiently to the ordered Performance Bond to be acceptable." Staff therefore recommended that Decision No. 68237 be amended to permit substitution of the Letter of Credit for the Performance Bond.

JUC's request to substitute a Letter of Credit for the required Performance Bond was discussed during the Commission's May 31/June 1, 2006 Open Meeting. During its discussion, the

1 Commission determined that a hearing on JUC's request should be conducted at a subsequent Open
2 Meeting.

3 On July 27, 2006, Commissioner Mundell filed a letter in the docket stating that he believed
4 an evidentiary hearing should be conducted by an Administrative Law Judge in order to advance the
5 decision making process regarding this issue. Commissioner Mundell also stated that it would
6 benefit the decision making process if JUC and Staff filed briefs prior to the hearing addressing the
7 differences between a performance bond and an irrevocable letter of credit.

8 On July 31, 2006, Commissioner Mayes filed a letter expressing agreement with
9 Commissioner Mundell's request to conduct a hearing and take briefs from JUC and Staff.

10 On August 9, 2006, Chairman Hatch-Miller's policy advisor filed a letter indicating that the
11 Chairman takes no issue with sending these matters to hearing for development of an evidentiary
12 record.

13 IT IS THEREFORE ORDERED that a **hearing shall be scheduled to commence on August**
14 **25, 2006, at 9:30 a.m.**, at the offices of the Commission, 1200 West Washington, Phoenix, Arizona.

15 IT IS FURTHER ORDERED that **JUC and Staff shall file simultaneous Direct Testimony**
16 **by no later than noon on August 21, 2006.** Oral rebuttal may be permitted in the discretion of the
17 Administrative Law Judge.

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

21 DATED this 11th day of August, 2006

22
23 
24 DWIGHT D. NODES
25 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

26 ...
27 ...
28 ...

1 Copies of the foregoing mailed/delivered
this 11 day of August, 2006 to:

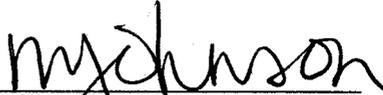
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25
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27 Molly Johnson
28 Secretary to Dwight D. Nodes