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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 OCT 10 P 14:06

Arizona Corporation Commission

DOCKETED

OCT 10 2006

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	NR
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IN THE MATTER OF THE APPLCIATION OF
HAROLD AND MARY FRARER DBA F&F
WATER COMAPNY FOR APPROVAL TO SELL
ASSETS AND TRANSFER IT CERIFICATE OF
CONVENIENCE AND NECESSITY TO ST.
DAVID SPRINGS, LLC.

DOCKET NO. W-01898A-06-0326
DOCKET NO. W-20460A-06-0326

PROCEDURAL ORDER

BY THE COMMISSION:

On May 10, 2006, Harold and Mary Frarer dba F&F Water Company ("F&F," "Company," or "Transferor") filed an application with the Arizona Corporation Commission ("Commission") for approval to sell assets and transfer its Certificate of Convenience and Necessity ("CC&N" or "Certificate") to St. David Springs, LLC ("Transferee").

On June 9, 2006, Commission Utility Division Staff ("Staff") notified the Company that the application was not sufficient under the requirements of the Arizona Administrative Code.

The Company filed additional supporting documents on July 31, 2006, and August 9, 2006.

Staff filed a second notice of insufficiency on August 29, 2006.

The Company filed additional supplemental documents on September 1, 2006.

On September 28, 2006, Staff notified the Company that its application is sufficient pursuant to the Arizona Administrative Code.

Accordingly, 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 **hearing** in the above-captioned matter shall be held on **November 29, 2006, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, **Room 131**, 400 West Congress St., Tucson, Arizona 85701.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
2 105, except that all motions to intervene must be filed on or before **November 15, 2006**.

3 IT IS FURTHER ORDERED that Applicant shall serve public notice of the hearing in this
4 matter, in the following form and style:

5 **PUBLIC NOTICE OF HEARING ON THE**
6 **APPLICATION OF HAROLD AND MARY FRARER**
7 **DBA F&F WATER COMPANY**
8 **FOR APPROVAL TO SELL ASSETS AND**
9 **TRANSFER ITS CERTIFICATE OF**
10 **CONVENIENCE AND NECESSITY TO**
11 **ST. DAVID SPRINGS LLC**

12 **Docket No. W-01898A-06-0326**
13 **Docket No. W-20460A-06-0326**

14 On May 10, 2006, Harold and Mary Frarer dba F&F Water Company ("F&F") filed
15 an application with the Arizona Corporation Commission ("Commission") for
16 approval of the sale of its assets and transfer of its Certificate of Convenience and
17 Necessity to St. David Springs LLC. If the Application is granted, St David Springs
18 LLC will be the exclusive provider of water service in F&F's service territory, and
19 will be required by the Commission to provide service under rates and charges and
20 terms and conditions established by the Commission. The Application is available
21 for inspection during regular business hours at the offices of the Commission in
22 Phoenix, at 1200 West Washington Street, Phoenix, Arizona, in Tucson, at 400 West
23 Congress St. Suite 218, Tucson, Arizona or on the Commission's website, azcc.gov,
24 by using the eDocket link, as well as at the offices of F&F Applicant, [APPLICANT
25 INSERT ADDRESS].

26 The Commission will hold a hearing on this matter beginning **November 29, 2006, at**
27 **10:00 a.m.**, at the Commission's offices, Room 131, 400 West Congress Street,
28 Tucson, Arizona. Public comment will be taken at the beginning of the hearing.

The law provides for an open public hearing at which, under appropriate
circumstances, interested persons may intervene in the proceedings and participate as
a party. You may have the right to intervene in the proceeding. Intervention will be
in accordance with A.A.C. R14-3-105, except that all motions to intervene must be
filed on or before **November 15, 2006**. Persons desiring to intervene must file a
written motion to intervene with the Commission and send such motion to Applicant
or its counsel and to all parties of record. The motion must, at the minimum, contain
the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a shareholder of the Applicant, etc.).

1 3. A statement certifying that a copy of the motion to intervene has been mailed
2 to the Applicant or its counsel and to all parties of record in the case.

3 The granting of intervention, among other things, entitles a party to present sworn
4 evidence at the hearing and to cross-examine other witnesses. However, failure to
5 intervene will not preclude any interested person or entity from appearing at the
6 hearing and providing public comment on the applications. You will not receive any
7 further notice of this proceeding unless you request it. Comments may also be made
8 by writing to the Commission in care of Docket Control, 1200 W. Washington,
9 Phoenix, Arizona 85007. All correspondence should contain the Docket Nos. W-
10 01898A-06-0326 and W-20460A-06-0326.

11 If you have any questions about this application, you may contact F&F at
12 [APPLICANT insert contact name, address and telephone number]. If you want
13 further information on intervention or have questions on how to file comments, you
14 may contact the Consumer Services Section of the Commission at 1200 West
15 Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

16 The Commission does not discriminate on the basis of disability in admission to its
17 public meetings. Persons with a disability may request a reasonable accommodation
18 such as a sign language interpreter, as well as request this document in an alternative
19 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
20 3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible
21 to allow time to arrange the accommodation.

22 IT IS FURTHER ORDERED that F&F shall mail to each of its customers a copy of this
23 notice by first-class U.S. Mail, to begin as soon as possible and to be completed on or before **October**
24 **31, 2006.**

25 IT IS FURTHER ORDERED that F&F shall file certification of mailing as soon as
26 practicable after the mailing has been completed.

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

IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to
be presented at the hearing on or before **November 13, 2006.**

IT IS FURTHER ORDERED that **any objection or response** by the Applicant to the Staff
Report shall be made in writing and filed on or before **November 22, 2006.**

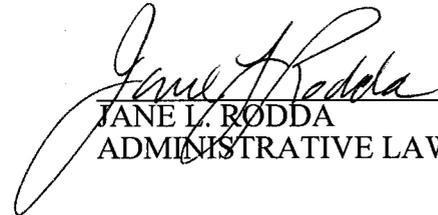
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) applies to this proceeding and shall remain in effect until the Commission's
Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

DATED this 6th day of October, 2006.


JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 6th day of October, 2006 to:

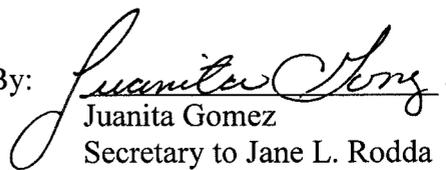
Mr. and Mrs. Harold W. Frarer
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ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

By: 
Juanita Gomez
Secretary to Jane L. Rodda