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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2006 OCT 13 P 3:08
AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
NEW RIVER UTILITY COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-01737A-06-0171

PROCEDURAL ORDER

BY THE COMMISSION:

On March 16, 2006, New River Utility Company ("New River" 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").

On October 6, 2006, the Commission's Utilities Division ("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.

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** shall be held on **December 21, 2006 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

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

IT IS FURTHER ORDERED that **objections to any motions to intervene** must be filed no later than **December 11, 2006**.

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Arizona Corporation Commission
DOCKETED
OCT 13 2006

DOCKETED BY **NR**

1 IT IS FURTHER ORDERED that New River Utility Company shall provide public notice of
 2 the hearing in this matter, in the following form and style, with the heading no less than 10 point bold
 3 type and the body no less than 10 point regular type:

4 **PUBLIC NOTICE OF THE HEARING FOR THE APPLICATION OF**
 5 **NEW RIVER UTILITY COMPANY FOR AN EXTENSION OF ITS**
 6 **CERTIFICATE OF CONVENIENCE AND NECESSITY**

7 **Docket No. W-01737A-06-0171**

8 On March 16, 2006, New River Utility Company ("Applicant") filed with the Arizona
 9 Corporation Commission ("Commission") an application for an extension of its
 10 Certificate of Convenience and Necessity ("Certificate") to provide water service in
 11 Maricopa County, Arizona. If the application is granted, the Applicant would be the
 12 exclusive provider of water service to the proposed extension area and would be
 13 required by the Commission to provide service under rates and charges and terms and
 14 conditions established by the Commission. The application, report of the
 15 Commission's Utilities Division Staff, and any written exceptions to the staff report
 16 prepared by the Applicants are available for inspection during regular business hours
 17 at the offices of the Commission located at 1200 West Washington Street, Phoenix,
 18 Arizona 85007, and at offices of the Company, [address] and on the internet via the
 19 Commission website (www.azcc.gov) using the e-docket function.

20 The Commission will hold a public hearing on this matter on **December 21, 2006 at**
 21 **10:00 a.m.** at the Commission's offices, at 1200 West Washington Street, Phoenix,
 22 Arizona. Public comment will be taken on the first day of the hearing.

23 The law provides for an open public hearing at which, under appropriate
 24 circumstances, interested parties may intervene in the proceedings and participate as a
 25 party. Intervention shall be permitted to any person entitled by law to intervene and
 26 having a direct and substantial interest in the matter. Persons desiring to intervene
 27 must file a written motion to intervene with the Commission and send such motion to
 28 the Company or its counsel and to all parties of record, and which at the minimum,
 shall 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 than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the Company, a shareholder of the Company, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **December 1, 2006**. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. Failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. You will not, however, receive any further notice of the proceeding unless requested by you. Please check with the Commission for any changes to the scheduled hearing date.

1 If you have any comments, mail them to:

2 The Arizona Corporation Commission
3 Attention Docket Control
4 re: New River Utility Company
5 W-01737A-06-0171
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 If you have any questions about this application, you may contact the applicant at
9 **[insert telephone number]**. If you wish to file written comments on the application
10 or want information on intervention, you may contact the Consumer Services Section
11 of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call
12 1-800-222-7000.

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

19 IT IS FURTHER ORDERED that Applicant shall **mail to each property owner or property**
20 **owner representative** in the requested extension area a copy of the above notice and shall cause the
21 above **notice to be published** in a newspaper of general circulation in its service territory, with
22 publication and mailing to be completed no later than **November 17, 2006**.

23 IT IS FURTHER ORDERED that Cave Creek Water Company shall **file certification of**
24 **mailing and publication** as soon as practicable after the mailing/publication has been completed, but
25 not later than **November 27, 2006**.

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

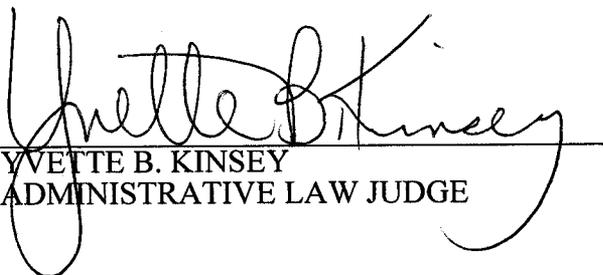
IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before November 20,**
2006.

IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or**
before December 8, 2006.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
Communications) applies to this proceeding as the matter is now set for public hearing.

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

4 Dated this 13th day of October, 2006

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6 
7 YVETTE B. KINSEY
8 ADMINISTRATIVE LAW JUDGE

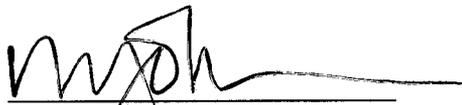
9 Copies of the foregoing mailed/delivered
10 this 13 day of October, 2006 to:

11 Patrick J. Black
12 FENNEMORE CRAIG
13 3003 North Central Avenue, Ste. 2600
14 Phoenix, AZ 85012
15 Attorneys for New River Utility Company

16 Christopher Kempley, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, AZ 85007

21 Ernest G. Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington
25 Phoenix, AZ 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2627 N. Third Street, Ste. Three
28 Phoenix, Arizona 85004-1126

By: 

Molly Johnson
Secretary to Yvette B. Kinsey