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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 DEC 19 P 1:31

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. W-03512A-06-0407

RAYMOND R. PUGEL AND JULIE B. PUGEL AS
TRUSTEES OF THE RAYMOND R. PUGEL AND
JULIE B. PUGEL FAMILY TRUST, and ROBERT
RANDALL AND SALLY RANDALL,

Complainants,

v.

PINE WATER COMPANY,

Respondent.

Arizona Corporation Commission
DOCKETED

DEC 19 2006
DOCKETED BY

IN THE MATTER OF:

DOCKET NO. W-03512A-06-0613

ASSET TRUST MANAGEMENT CORP.,

Complainant,

v.

PINE WATER COMPANY,

Respondent.

PROCEDURAL ORDER

BY THE COMMISSION:

On June 21, 2006, Raymond R. Pugel and Julie B. Pugel, as trustees of the Raymond R. Pugel and Julie B. Pugel Family Trust, and Robert Randall and Sally Randall (collectively "Pugel Complainants"), filed with the Arizona Corporation Commission ("Commission") in Docket No. W-03512A-06-0407 a Complaint ("Pugel Complaint") against Pine Water Company ("Pine Water" or "Company"). The Complaint seeks to delete property owned by the Complainants from Pine Water's certificated service area based on the allegation that Pine Water is not able to provide satisfactory and

1 adequate water service in a reasonable time and at a reasonable rate. On September 21, 2006, Pine
2 Water filed its Answer and requested that the Complaint be dismissed.

3 A procedural conference was conducted on September 25, 2006 during which potential
4 hearing dates and other procedural matters were discussed. The parties were directed to continue
5 discussions regarding potential settlement, as well as discovery issues and hearing dates.

6 On September 25, 2006, Asset Trust Management Corp. ("ATM") filed a similar Complaint
7 against Pine Water in Docket No. W-03512A-06-0613 ("ATM Complaint").

8 On September 27, 2006, the Complainants in the Pugel Complaint Docket filed a Motion to
9 Consolidate Docket Nos. W-03512A-06-0407 and W-03512A-06-0613 on the basis that the
10 Complaints raise common issues of fact and law. A similar Motion to Consolidate was filed on
11 September 29, 2006 in the ATM Complaint Docket.

12 Pine Water filed its Opposition to the Motions to Consolidate on October 11, 2006 and
13 October 12, 2006, respectively, in the ATM Complaint and Pugel Complaint Dockets.

14 On October 11, 2006, Pine Water filed a Motion to Dismiss the ATM Complaint.

15 On October 13, 2006, a letter from Ray Pugel was filed in the Pugel Complaint Docket.

16 On October 17, 2006, the Complainants in the Pugel Complaint Docket filed a Motion to
17 Amend Application for Deletion of Service Territory.

18 On October 25, 2006, the Pugel Complainants and ATM Complainants filed in their
19 respective dockets a Reply to Pine Water's Opposition to the Motions to Consolidate.

20 On October 27, 2006, the Utilities Division Staff ("Staff") filed a Response to the Motion to
21 Consolidate, indicating Staff's support for consolidation.

22 On October 27, 2006, The ATM Complainants filed a Response to Pine Water's Motion to
23 Dismiss urging rejection of the Motion.

24 On November 9, 2006, Pine Water filed a Reply in Support of its Motion to Dismiss in the
25 ATM Complaint Docket.

26 On November 16, 2006, Staff filed a Response to Pine Water's Motion to Dismiss in the
27 ATM Complaint Docket. Staff recommends that the Motion to Dismiss be taken under advisement
28 and addressed in the Recommended Opinion and Order issued in this matter.

1 On December 11, 2006, the Pugel Complainants and the ATM Complainants filed in their
2 respective dockets Motions for a Procedural Conference to address pending procedural issues.

3 IT IS THEREFORE ORDERED that the **above-captioned dockets shall be henceforth be**
4 **consolidated** in order to address more efficiently the common factual and legal issues that pertain to
5 both dockets.

6 IT IS FURTHER ORDERED that a **procedural conference shall be scheduled in the**
7 **consolidated dockets on January 12, 2007, at 2:00 p.m.**, at the offices of the Commission, 1200
8 West Washington, Phoenix, Arizona. The parties should be prepared to discuss all procedural aspects
9 of the combined cases, including discovery deadlines, hearing dates, and dates for filing testimony in
10 this matter.

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

14 Dated this 19th day of December, 2006

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17 DWIGHT D. NODES
18 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 19th day of December, 2006 to:

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22 Stephanie J. Gliege
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11
12 By: 
13 Debbi Person
Secretary to Dwight D. Nodes

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