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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

NOV -9 2006

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IN THE MATTER OF THE APPLICATION OF  
CHRISTOPHER CREEK HAVEN WATER  
COMPANY FOR APPROVAL OF THE SALE  
AND TRANSFER OF IT CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO UTILITY  
SYSTEMS, LLC.

DOCKET NO. W-03880A-06-0299  
DOCKET NO. W-20459A-06-0299

PROCEDURAL ORDER

BY THE COMMISSION:

On May 1, 2006, Christopher Creek Haven Water Company ("CCHWC"), and Utility Systems, LLC ("Utility Systems") (collectively, "Applicants"), filed with the Arizona Corporation Commission ("Commission") an application to transfer CCHWC's Certificate of Convenience and Necessity ("CC&N") to Utility Systems and for approval of the sale of CCHWC's assets to Utility Systems.

On June 1, 2006, the Commission's Utilities Division Staff ("Staff") filed a letter informing Applicants that the application was insufficient.

On October 20, 2006, Staff filed a letter informing Applicants that the application is administratively complete. Accordingly, the Commission now issues this Procedural Order pursuant to A.A.C. R14-3-101 to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing on the above-captioned matter shall commence on **February 7, 2007 at 2:00 p.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 15, 2006.**

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before **December 29, 2006.**

IT IS FURTHER ORDERED that Applicants shall provide public notice of the hearing in this

1 matter, in the following form and style:

2 **PUBLIC NOTICE OF HEARING ON THE APPLICATION**  
3 **OF CHRISTOPHER CREEK HAVEN WATER COMPANY FOR THE SALE OF ASSETS**  
4 **AND TRANSFER OF THE CERTIFICATE OF CONVENIENCE AND**  
5 **NECESSITY TO UTILITY SYSTEMS, LLC.**  
6 **(DOCKET NOS. W-03880A-06-0299 and W-20459A-06-0299)**

7 On May 1, 2006, Christopher Creek Haven Water Company ("CCHWC"), and Utility  
8 Systems, LLC ("Utility Systems") (collectively, "Applicants"), filed with the Arizona  
9 Corporation Commission ("Commission") an application to transfer CCHWC's  
10 Certificate of Convenience and Necessity to Utility Systems. The Commission's  
11 Utilities Division Staff has not yet made a recommendation regarding the application.  
12 If the Commission approves the application, Utility Systems will be the exclusive  
13 provider of water and wastewater utility service to the area in Gila County currently  
14 served by CCHWC, and will be required by the Commission to provide service under  
15 rates and charges and terms and conditions established by the Commission. The  
16 application is available for inspection during regular business hours at the offices of  
17 the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and  
18 at the offices of Applicants, [insert addresses] for public inspection during regular  
19 business hours and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using  
20 the e-docket function.

21 The Commission will hold a hearing on this matter beginning **February 7, 2007, at**  
22 **2:00 p.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.  
23 Public comments will be taken on the first day of the hearing.

24 The law provides for an open public hearing at which, under appropriate  
25 circumstances, interested parties may intervene. Intervention shall be permitted to any  
26 person entitled by law to intervene and having a direct and substantial interest in the  
27 matter. Persons desiring to intervene must file a written motion to intervene with the  
28 Commission no later than **December 15, 2006**. The motion to intervene must be sent  
to the Applicants or their counsel and to all parties of record, and must 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 the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of CCHWC, a shareholder of Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written

1 comments in the record of the case. You will not receive any further notice of this  
proceeding unless you request it.

2 If you have any questions about this application, you may contact the Applicants at  
3 **[insert addresses]**. If you wish to file written comments on the application or want  
4 further information on intervention you may contact the Consumer Services Section of  
the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, or call 1-  
800-222-7000.

5 The Commission does not discriminate on the basis of disability in admission to its  
6 public meetings. Persons with a disability may request a reasonable accommodation  
7 such as a sign language interpreter, as well as request this document in an alternative  
8 format, by contacting the ADA Coordinator, Linda Hogan, at LHogan@azcc.gov.,  
voice phone number 602/542-3931. Requests should be made as early as possible to  
allow time to arrange the accommodation.

9 IT IS FURTHER ORDERED that Applicants shall cause a copy of the above notice to be  
10 published in a newspaper of general circulation in all the affected areas by **November 24, 2006.**

11 IT IS FURTHER ORDERED that Applicants shall mail to each of CCHWC's customers a  
12 copy of the above notice by **November 24, 2006.**

13 IT IS FURTHER ORDERED that Applicants shall file certification of mailing and  
14 publication as soon as practicable after the mailing and publication have been completed, but not later  
15 than **December 8, 2006.**

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
17 publication of same, notwithstanding the failure of an individual to read or receive the notice.

18 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall file a Staff  
19 Report on the application on or before **January 8, 2007.**

20 IT IS FURTHER ORDERED that Applicants and intervenors shall file written objections to  
21 the Staff Report by **January 22, 2007.**

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

24 ...

25 ...

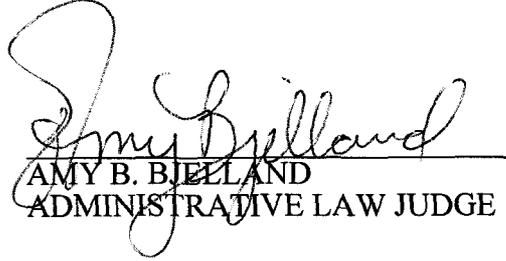
26 ...

27 ...

28 ...

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

3 DATED this 9 day of November, 2006.

4  
5  
6   
7 AMY B. BJELLAND  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 7th day of November, 2006 to:

10 Gerald Lenzion  
11 CHRISTOPHER CREEK HAVEN WATER COMPANY  
12 2303 E. Heatherbrae Drive  
13 Phoenix, AZ 85016

14 Utility Systems, LLC  
15 HC2 Box 164-H  
16 Payson AZ 85541

17 Christopher Kempley, Chief Counsel  
18 Legal Division  
19 ARIZONA CORPORATION COMMISSION  
20 1200 West Washington Street  
21 Phoenix, AZ 85007  
22 ARIZONA REPORTING SERVICE, INC.  
23 2627 N. Third Street, Ste. Three  
24 Phoenix, Arizona 85004-1104

25 Ernest G. Johnson, Director  
26 Utilities Division  
27 ARIZONA CORPORATION COMMISSION  
28 1200 West Washington  
Phoenix, AZ 85007

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

24  
25 By:   
26 Debbi Person  
27 Secretary to Amy B. Bjelland  
28