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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

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AZ CORP COMMISSION  
DOCUMENT CONTROL

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IN THE MATTER OF THE APPLICATION OF  
MINGUS PANORAMA ESTATES  
HOMEOWNERS ASSOCIATION FOR AN  
ADJUDICATION THAT IT IS NOT A PUBLIC  
SERVICE CORPORATION.

DOCKET NO. W-20477A-06-0558

PROCEDURAL ORDER

BY THE COMMISSION:

On September 1, 2006, Mingus Panorama Estates Homeowners Association ("Applicant" or "Mingus") filed with the Arizona Corporation Commission ("Commission") an application for adjudication that it is not a public service corporation under Arizona law.

On September 26, 2006, the Commission's Utilities Division Staff ("Staff") filed a letter in this docket informing Applicant that its application was insufficient.

On October 31, 2006, Staff filed a letter indicating that Applicant's application has met the sufficiency requirements as outlined in the Arizona Administrative Code and according to Commission Decision No. 55568 (May 7, 1987).

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 commence on **January 8, 2007, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Staff Report and associated exhibits shall be made in writing and filed on or before **December 8, 2006**.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits shall be made in writing and filed on or before **December 29, 2006**.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene shall be filed on or before **December 22, 2006**.

1 IT IS FURTHER ORDERED that objections to any motions to intervene shall be filed by  
2 **January 3, 2007.**

3 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in  
4 this matter, in the following form and style, with the heading in no less than 12 point bold type and  
5 the body in no less than 10 point regular type:

6 **PUBLIC NOTICE OF HEARING ON THE APPLICATION**  
7 **OF MINGUS PANORAMA ESTATES HOMEOWNERS**  
8 **ASSOCIATION FOR ADJUDICATION THAT IT**  
9 **IS NOT A PUBLIC SERVICE CORPORATION**  
10 **Docket No. W-20477A-06-0558**

11 On September 1, 2006, Mingus Panorama Estates Homeowners Association  
12 ("Applicant") filed with the Arizona Corporation Commission ("Commission") an  
13 application for adjudication that it is not a public service corporation under Arizona law.  
14 If Applicant is adjudicated not to be a public service corporation, Applicant's rates and  
15 service in the adjudicated area will not be regulated by the Commission. The application,  
16 the report of the Commission's Staff, and the Applicant's response to the Staff's report  
17 will be available for inspection during regular business hours at the offices of the  
18 Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, at the  
19 offices of the Applicant, [Applicant insert address] and on the internet via the  
20 Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function..

21 The Commission will hold a hearing on this matter beginning on **January 8, 2007, at**  
22 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix,  
23 Arizona. Public comment will be taken on the first day of the hearing.

24 The law provides for an open public hearing at which, under appropriate circumstances,  
25 interested parties may intervene. Any person or entity entitled by law to intervene and  
26 having a direct and substantial interest in the matter will be permitted to intervene. If you  
27 would like to intervene, you must file a written motion to intervene with the Commission,  
28 and you must send copies of the motion to the Applicant or its counsel, and to all parties  
of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired.
2. A short statement of your interest in the proceeding (e.g., a customer of Applicant, a potential property owner in the area, etc.).
3. A statement certifying that a copy of your motion to intervene has been mailed to Applicant or its counsel and to all parties of record in the case.

Arizona Administrative Code R14-3-105 governs the granting of intervention, except that all motions to intervene must be filed on or before **December 22, 2006**. The granting of intervention, among other things, will entitle an intervenor to present sworn evidence at hearing and to cross-examine other witnesses, and to be mailed copies of filings made in the case. You do not need to intervene in order to appear at the hearing and make a statement for the record, or to file written comments in the record of the case.

1 You will not, however, receive any further notice of the proceeding unless requested by  
2 you. Please check with the Commission for any changes to the scheduled hearing date.  
If you have any comments, mail them to:

3 The Arizona Corporation Commission  
4 Attention: Docket Control  
Re: Arizona Water Company  
5 W-20477A-06-0558  
6 1200 West Washington Street  
Phoenix, Arizona 85007

7 If you have any questions about this application, you may contact the applicant at [ insert  
8 address]. If you wish to file written comments on the application or want further  
9 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.

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

13 IT IS FURTHER ORDERED that Applicant shall mail a copy of the above notice to each  
14 property owner in the requested adjudication area, and to each person with a sales contract pending to  
15 purchase property in the requested adjudication area, by **December 1, 2006**.

16 IT IS FURTHER ORDERED that Applicant shall cause a copy of the above notice to be  
17 published in a newspaper of general circulation in the requested adjudication area, by **December 8,**  
18 **2006**.

19 IT IS FURTHER ORDERED that Applicant shall file certification of mailing and publication  
20 as soon as practicable after the mailing has been completed but not later than **December 15, 2006**.

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

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

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 13<sup>th</sup> day of November, 2006

4  
5  
6   
7 YVETTE B. KINSEY  
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 13<sup>th</sup> day of November, 2006 to:

11 Patrick Black  
12 FENNEMORE CRAIG  
13 3003 N. Central Ave., Suite 2600  
14 Phoenix, Arizona 85012-2913  
15 Attorneys for Mingus Panorama Estates  
16 Homeowners Association

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

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

27 ARIZONA REPORTING SERVICE, INC.  
28 2627 N. Third Street, Suite Three  
Phoenix, Arizona 85004-1104

29 By:   
30 Debbi Person  
31 Secretary to Yvette B. Kinsey