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BEFORE THE ARIZONA CORPORATION COMMISSION

2006 DEC 12 1 4 30

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE  
APPLICATION OF MINGUS  
PANORAMA ESTATES HOMEOWNERS  
ASSOCIATION FOR AN  
ADJUDICATION OF "NOT A PUBLIC  
SERVICE CORPORATION" STATUS

DOCKET NO. W-20477A-06-0558

NOTICE OF FILING  
CERTIFICATION OF  
PUBLICATION

Pursuant to the November 13, 2006 Procedural Order ("Order"), Mingus Panorama Estates Homeowners Association (the "Association") hereby submits this Notice of Filing Certification of Publication in the above-captioned matter.

On December 6, 2006 legal public notice was published in *The Verde Independent* and *The Bugle*. The affidavit of Pam Hood, publisher of *The Verde Independent* and *The Bugle*, is attached hereto as Exhibit 1.

The Order also required the Association to mail a copy of the notice to each property owner in the requested adjudication area, and to each person with a sales contract pending to purchase property in the requested adjudication area. Because the Association is the sole property owner, and because no person has a pending sales contact, the Association made no such mailing.

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Arizona Corporation Commission  
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DATED this 12<sup>th</sup> day of December, 2006.

FENNEMORE CRAIG, P.C.

By:   
Jay L. Shapira  
Patrick J. Black  
Attorneys for Mingus Panorama Estates  
Homeowners Association  
3003 N. Central Avenue, Suite 2600  
Phoenix, Arizona 85012-2913

**ORIGINAL** and 13 copies filed this 12<sup>th</sup> day of December, 2006:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

**COPY** hand-delivered  
this 12<sup>th</sup> day of December, 2006 to:

Yvette Kinsey  
Administrative Law Judge  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Kevin Torrey  
Legal Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

**COPY** sent via regular mail  
this 12<sup>th</sup> day of December, 2006 to:

Reginald Lopez  
Utilities Division  
Arizona Corporation Commission  
400 West Congress  
Tucson, Arizona 85701-1347

By: 

1864078.1/17917.001

# **EXHIBIT**

**1**

# PUBLISHER'S AFFIDAVIT

STATE OF ARIZONA, }  
County of Yavapai, } ss

Pam Hood, first having been duly sworn on her oath says:

That she is the Publisher of The Verde Independent and The Bugle, a Three Times Weekly Newspaper published at Cottonwood, Yavapai County, Arizona; that the notice attached hereto, namely,

PUBLIC NOTICE OF HEARING ON APPLICATION

Mingus Panorama Estates Homeowners Association for Adjudication

has, to the personal knowledge of affidavit, been published and legally printed in said County of Yavapai in the newspaper aforesaid, according to law, from the 6th day of December 2006, to the 6th day of December, 2006, both inclusive, without change, interruption or omission, amounting in all to 1 insertion, made on the following date:

December 6, 2006

*Pam Hood*  
.....

(Signature)

Subscribed and sworn to before me this 7 day of Dec., 2006,

in witness whereof I have hereunto set my hand and seal of office.

 Maggie Lovett  
Notary Public - Arizona  
Yavapai County  
Commission #254321  
My Commission Expires October 27, 2009

*Maggie Lovett*  
.....  
Notary Public

My Commission Expires October 27, 2009

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

On September 1, 2006, Mingus Panorama Estates Homeowners Association ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for adjudication that it is not a public service corporation under Arizona law. If Applicant is adjudicated not to be a public service corporation, Applicant's rates and service in the adjudicated area will not be regulated by the Commission. The application, the report of the Commission's Staff, and the Applicant's response to the Staff's report will be available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, at the offices of the Applicant, 350 Shadow Rock Drive, Sedona, Arizona, 86336, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

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

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, 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 the 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.

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. If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention: Docket Control  
Re: Mingus Panorama Estates Homeowners Association

W-20477A-06-0558  
1200 West Washington Street  
Phoenix, Arizona 85007

If you have any questions about this application, wish to file written comments on the application, or want 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.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a 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.