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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

COMMISSIONERS

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DOCKETED

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCUMENT CONTROL

JAN 22 2007

DOCKETED BY	<i>MLL</i>
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IN THE MATTER OF THE JOINT APPLICATION
OF BLACK MOUNTAIN GAS COMPANY AND
SEMSTREAM ARIZONA PROPANE, L.L.C. FOR
APPROVAL OF THE TRANSFER OF THE
BLACK MOUNTAIN PAGE DIVISION AND
RELATED ASSETS TO SEMSTREAM ARIZONA
PROPANE, L.L.C.

DOCKET NO. G-03703A-06-0694
DOCKET NO. G-20471A-06-0694

PROCEDURAL ORDER

BY THE COMMISSION:

On October 30, 2006, Black Mountain Gas Company ("BMG") and SemStream Arizona Propane, L.L.C. ("SemStream") (collectively, "Applicants") jointly filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer and sale of BMG's non-excluded regulated assets and property utilized in BMG's Page Division to SemStream and to transfer BMG's Page Division Certificate of Convenience and Necessity ("CC&N") to SemStream.

On December 11, 2006, the Commission's Utilities Division Staff ("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 et seq. to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned matter shall commence on **March 26, 2007**, 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 **March 1, 2007**.

IT IS FURTHER ORDERED that any **objections to motions to intervene** must be filed on or before **March 8, 2007**.

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

1 this matter in the following form and style, with the heading in no less than 12 pt. type and the body
2 in no less than 10 pt. type:

3 **PUBLIC NOTICE OF HEARING ON THE JOINT APPLICATION**
4 **OF BLACK MOUNTAIN GAS COMPANY AND SEMSTREAM ARIZONA PROPANE,**
5 **L.L.C. FOR APPROVAL OF THE TRANSFER OF BLACK MOUNTAIN'S PAGE**
6 **DIVISION ASSETS AND CERTIFICATE OF CONVENIENCE AND NECESSITY TO**
7 **SEMSTREAM.**
8 **DOCKET NOS. G-03703A-06-0694 AND G-20471A-06-0694**

9 On October 30, 2006, Black Mountain Gas Company and SemStream Arizona
10 Propane, L.L.C. (collectively, "Applicants") jointly filed with the Arizona Corporation
11 Commission ("Commission") an application to transfer Black Mountain Gas
12 Company's Page Division Certificate of Convenience and Necessity ("CC&N") and
13 certain assets to SemStream Arizona Propane, L.L.C. If the Commission approves the
14 application, SemStream Arizona Propane, L.L.C. will be certificated as a provider of
15 propane gas utility service to the area currently served by Black Mountain Gas
16 Company's Page Division and will be required by the Commission to provide service
17 under rates and charges and terms and conditions established by the Commission. The
18 application is available for inspection during regular business hours at the offices of
19 Applicants, [insert addresses] and the Commission's offices at 1200 West
20 Washington, Phoenix, Arizona, for public inspection during regular business hours
21 and on the internet via the Commission website (www.azcc.gov) using the e-docket
22 function.

23 The Commission will hold a hearing on this matter beginning **March 26, 2007 at 10:00 a.m.**,
24 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public
25 comment will be taken at the commencement of the hearing.

26 The law provides for an open public hearing at which, under appropriate circumstances,
27 interested persons may intervene in the proceedings and participate as a party. You may have
28 the right to intervene in the proceeding. Intervention shall be in accordance with A.A.C. R14-
3-405, except that all motions to intervene must be filed on or before **March 1, 2007**. If you
wish to intervene you must file a written motion to intervene with the Commission and send a
copy of the motion to Applicants or their counsel and to all parties of record. The motion
shall, at the minimum, contain the following:

1. Your name, address, and telephone number and the name, address and telephone number any party upon whom service of documents is to be made if different from the intervenor.
2. A short statement of your interest in the proceeding (e.g., a customer or potential customer of Applicants, a shareholder of Applicants, etc.).
3. A statement certifying that you have mailed a copy of the motion to intervene to 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. You will not receive any further notice of this proceeding unless you request it.

1 If you have any questions about this application, you may contact Black Mountain Gas
2 Company at [insert telephone number]. If you wish to file written comments on the
3 application or want further information on intervention you may contact the Consumer
4 Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or
5 call 1-800-222-7000.

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

12 IT IS FURTHER ORDERED that Applicants shall cause a copy of the above notice to be
13 published in a newspaper of general circulation in the affected area by **February 2, 2007**.

14 IT IS FURTHER ORDERED that BMG shall mail to its Page Division customers a copy of
15 the above notice by **February 2, 2007**.

16 IT IS FURTHER ORDERED that Applicants shall file certification of mailing and
17 publication as soon as practicable after the mailing and publication have been completed, but not later
18 than **February 12, 2007**.

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

21 IT IS FURTHER ORDERED that the Commission's Utilities Division Staff shall file a Staff
22 Report on the application on or before **March 5, 2007**.

23 IT IS FURTHER ORDERED that the Applicants and intervenors shall file written objections
24 to the Staff Report by **March 19, 2007**.

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

28 IT IS FURTHER ORDERED that all parties must comply with Rules 33(c) and 38(a) of the
Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
Arizona Supreme Court). Representation before the Commission includes the obligation to appear at

1 all hearings and procedural conferences, as well as all Open Meetings for which the matter is
2 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
3 Administrative Law Judge or the Commission.

4 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
5 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

8 DATED this 22nd day of January, 2007.

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11 
12 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 22nd day of January, 2007 to:

15 Karen S. Haller
16 Keith Brown
17 5421 Spring Mountain Road
Las Vegas, NV 89150-0002

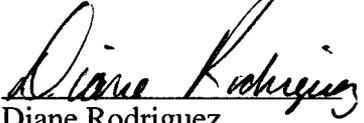
18 Kevin D. Quigley
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Attorneys for SemStream Arizona Propane, L.L.C.

21 Christopher K. Kempley
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23 1200 W. Washington Street
Phoenix, Arizona 85007

24 Ernest G. Johnson
25 Utilities Division
ARIZONA CORPORATION COMMISSION
26 1200 W. Washington Street
Phoenix, Arizona 85007

27
28

1 ARIZONA REPORTING SERVICE, INC
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1103

4 By: 
5 Diane Rodriguez
6 Secretary to Teena Wolfe
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