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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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MARC SPITZER, Chairman  
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JEFF HATCH-MILLER  
MIKE GLEASON

FEB 14 2003

AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
BENSCH RANCH UTILITIES, LLC INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER SERVICE.

DOCKET NO. SW-04026A-01-0499

SECOND PROCEDURAL ORDER

BY THE COMMISSION:

On June 21, 2001, Bensch Ranch Utilities, LLC ("Bensch Ranch" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide sewer service to the Bensch Ranch Estates subdivision in Yavapai County, Arizona ("Application").

On November 27, 2002, the Commission's Utilities Division Staff ("Staff") filed a letter notifying Bensch Ranch that its Application was sufficient, and on November 29, 2002, filed a Staff Report on the Application, recommending approval.

On December 5, 2003, the Commission issued a Procedural Order setting a hearing date of February 19, 2003. The December 5, 2003 Procedural Order required Applicant to provide public notice of the hearing by January 10, 2003, and to file certification of the required notice no later than January 17, 2003.

Applicant failed to comply with the notice requirements of the December 5, 2003 Procedural Order. It is therefore necessary to continue the February 19, 2003 hearing date, to establish associated procedural deadlines to comport with the new hearing date, and to extend the timeclock for a Commission decision pursuant to A.A.C. R14-2-610(C).

IT IS THEREFORE ORDERED that the hearing on the above-captioned matter currently set to commence on February 19, 2003, is hereby continued to **April 16, 2003, at 11:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that the timeclock for a Commission decision in this matter is  
2 hereby extended for a period of 56 days.

3 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
4 except that all motions to intervene must be filed on or before **March 19, 2003**.

5 IT IS FURTHER ORDERED that objections to any motions to intervene must be filed on or  
6 before **March 26, 2003**.

7 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in  
8 this matter, in the following form and style:

9  
10 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF BENSCH RANCH**  
11 **UTILITIES, LLC FOR A CC&N TO PROVIDE SEWER SERVICE**  
12 **DOCKET NO. SW-04026A-01-0499**

13 On June 21, 2001, Bensch Ranch Utilities, LLC ("Applicant") filed an application with the  
14 Arizona Corporation Commission ("Commission") for a Certificate of Convenience and  
15 Necessity ("CC&N") to provide sewer utility service to the Bensch Ranch Estates subdivision  
16 in Yavapai County. If the application is granted, Applicant will be the exclusive provider of  
sewer service to the proposed area, and will be required by the Commission to provide service  
under rates and charges and terms and conditions established by the Commission. The  
application is available for inspection during regular business hours at the offices of the  
Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the  
offices of the Applicant, [Applicant insert address].

17 The Commission will hold a hearing on this matter beginning **April 16, 2003**, at **11:00 a.m.**,  
18 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public  
comment will be taken on the first day of the hearing.

19 The law provides for an open public hearing at which, under appropriate circumstances,  
20 interested persons may intervene in the proceedings and participate as a party. You may have  
21 the right to intervene in the proceeding. Intervention shall be in accordance with A.A.C. R14-  
22 3-405, except that all motions to intervene must be filed on or before **March 19, 2003**.  
Persons desiring to intervene must file a written motion to intervene with the Commission and  
send such motion to Applicant or its counsel and to all parties of record. The motion shall, at  
the minimum, contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor and of  
24 any party upon whom service of documents is to be made if different than the  
intervenor.
- 25 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
26 a customer or potential customer of the Applicant, a shareholder of the  
Applicant, etc.).
- 27 3. A statement certifying that a copy of the motion to intervene has been mailed  
to the Applicant or its counsel and to all parties of record in the case.

28 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

1 preclude any interested person or entity from appearing at the hearing and providing public  
2 comment on the application. You will not receive any further notice of this proceeding unless  
you request it.

3 If you have any questions about this application, or want further information on intervention,  
4 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 public  
6 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  
7 Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail  
shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange  
8 the accommodation.

9 IT IS FURTHER ORDERED that Applicant shall cause to be mailed to all property owners  
10 and all entities who currently have contracts pending to purchase real property in the requested  
11 CC&N area a copy of the above notice, and shall cause a copy of the above notice to be published in  
12 a newspaper of general circulation in the requested CC&N area, by **March 4, 2003**.

13 IT IS FURTHER ORDERED that Applicant shall file certification of the above-ordered  
14 mailing and publication as soon as practicable after the mailing and publication have been completed,  
15 but not later than **March 10, 2003**.

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

18 IT IS FURTHER ORDERED that Applicant shall file any objections to the Staff Report by  
19 **March 10, 2003**.

20 IT IS FURTHER ORDERED that any intervenors shall file any objections to the Application  
21 or to the Staff Report by **April 2, 2003**.

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

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

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 14<sup>th</sup> day of February, 2003.

4  
5  
6   
7 TEENA WOLFE  
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 14 day of February, 2003 to:

11 Joshua Meyer  
12 11593 S. Fortuna Rd.  
13 Yuma, Arizona 85367  
14 Attorney for Bensch Ranch Utilities, LLC

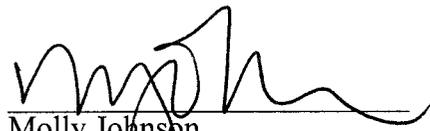
15 Jason Williamson  
16 Executive Director  
17 Pivotal Utility Management  
18 6845 East Tennessee Ave., Ste. 401  
19 Denver, Colorado 80224

20 Christopher Kempley, Chief Counsel  
21 Legal Division  
22 ARIZONA CORPORATION COMMISSION  
23 1200 West Washington Street  
24 Phoenix, Arizona 85007

25 Ernest G. Johnson, Director  
26 Utilities Division  
27 ARIZONA CORPORATION COMMISSION  
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ARIZONA REPORTING SERVICE, INC.  
2627 N. Third Street, Suite Three  
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By:

  
Molly Johnson  
Secretary to Teena Wolfe