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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. W-03512A-06-0407

RAYMOND R. PUGEL AND JULIE B. PUGEL AS
TRUSTEES OF THE RAYMOND R. PUGEL AND
JULIE B. PUGEL FAMILY TRUST, and ROBERT
RANDALL AND SALLY RANDALL,

Complainants,

v.

PINE WATER COMPANY,

Respondent.

DOCKET NO. W-03512A-06-0613

IN THE MATTER OF:

ASSET TRUST MANAGEMENT CORP.,

Complainant,

v.

PINE WATER COMPANY,

Respondent.

Arizona Corporation Commission

DOCKETED

APR -3 2007

DOCKETED BY

nr

JAMES HILL and SIOUX HILL, husband and wife
as trustees of THE HILL FAMILY TRUST,

DOCKET NO. W-20511A-07-0100

Complainant,

v.

PINE WATER COMPANY,

Respondent

PROCEDURAL ORDER

BY THE COMMISSION:

On June 21, 2006, Raymond R. Pugel and Julie B. Pugel, as trustees of the Raymond R. Pugel

1 and Julie B. Pugel Family Trust, and Robert Randall and Sally Randall (collectively "Pugel
2 Complainants"), filed with the Arizona Corporation Commission ("Commission") in Docket No. W-
3 03512A-06-0407 a Complaint ("Pugel Complaint") against Pine Water Company ("Pine Water" or
4 "Company"). The Complaint seeks to delete property owned by the Complainants from Pine Water's
5 certificated service area based on the allegation that Pine Water is not able to provide satisfactory and
6 adequate water service in a reasonable time and at a reasonable rate. On September 21, 2006, Pine
7 Water filed its Answer and requested that the Complaint be dismissed.

8 On September 25, 2006, Asset Trust Management Corp. ("ATM") filed a similar Complaint
9 against Pine Water in Docket No. W-03512A-06-0613 ("ATM Complaint").

10 By Procedural Order issued December 19, 2006, the Pugel Complaint and ATM Complaint
11 dockets were consolidated.

12 On January 12, 2006, a procedural conference was conducted in this consolidated proceeding.
13 During the procedural conference, the parties discussed potential hearing dates and other procedural
14 deadlines.

15 On January 16, 2007, a Procedural Order was issued scheduling a hearing in this matter for
16 May 21, 2007, and establishing other procedural filing dates. The January 16, 2007, Procedural
17 Order inadvertently failed to schedule a prehearing conference to discuss the order of witnesses and
18 other procedural matters related to the hearing.

19 On January 30, 2007, Pine Water filed an Answer to the consolidated Pugel and ATM
20 complaints.

21 On February 8, 2007, Jim Hill filed a Motion to Intervene in the Pugel and ATM dockets.

22 On February 9, 2007, Barbara Hall filed a Motion to Intervene.

23 Also on February 9, 2007, Robert Cassaro filed a request to intervene.

24 On February 12, 2007, William Haney filed a letter requesting intervention.

25 On February 14, 2007, Pine Water filed a Response to the Hall, Haney and Cassaro Motions
26 to Intervene, opposing the intervention requests.

27 On February 23, 2007, James Hill and Sioux Hill, as trustees of The Hill Family Trust, filed a
28 complaint ("Hill Complaint") against Pine Water in Docket No. W-20511A-07-0100 and also

1 requested that Docket No. W-20511A-07-0100 be consolidated with Docket Nos. W-03512A-06-
2 0407 and W-03512A-06-0613.

3 On February 23, 2007, a Stipulation was filed in the Hill Complaint Docket¹ regarding
4 consolidation and procedural deadlines whereby the parties in the Hill docket, the Pugel and ATM
5 dockets, and Pine Water requested consolidation of the Hill Complaint docket with the Pugel and
6 ATM dockets. Mr. Hill's request for intervention in the Pugel and ATM complaint dockets was
7 withdrawn.

8 On February 27, 2007, Mr. Cassaro filed a response letter to Pine Water's objection to his
9 requested intervention. Mr. Cassaro's response letter was also docketed on March 1, 2007.

10 On March 8, 2007, Pine Water filed an Answer to the Hill Complaint in Docket No. W-
11 20511A-07-0100.

12 On March 16, 2007, the direct testimony of James Hill was filed in the Hill Complaint docket.

13 On March 26, 2007, Pine Water filed a Motion to Compel Discovery from the Pugel and
14 ATM Complainants.

15 On March 30, 2007, Pine Water filed a Request for Procedural Conference to address issues
16 related to the Motion to Compel Discovery.

17 **IT IS THEREFORE ORDERED that the Hill Complaint (Docket No. W-20511A-07-0100)**
18 **shall henceforth be consolidated with the previously consolidated Pugel and ATM Complaints**
19 **(Docket Nos. W-03512A-06-0407 and W-03512A-06-0613).**

20 **IT IS FURTHER ORDERED** that Barbara Hall, Robert Cassaro, and William Haney shall be
21 granted intervention in the above-captioned consolidated proceeding for the limited purpose of being
22 provided an opportunity to present either unsworn public comment or sworn testimony on their own
23 behalf. Given the procedural complexity that already exists with respect to this proceeding,
24 intervenors Hall, Cassaro, and Haney will not be permitted to cross-examine witnesses or otherwise
25 participate beyond the limited purpose of providing public comment or sworn testimony.

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28 ¹ For some reason, a nearly identical "Stipulation" was filed in the Hill Complaint docket on March 16, 2007.

1 IT IS FURTHER ORDERED that a **procedural conference shall be conducted on April 12,**
2 **2007, at 10:00 a.m.,** at the offices of the Commission. The purpose of the procedural conference is
3 to address the pending Motion to Compel and any other procedural matters related to this
4 consolidated proceeding.

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

8 Dated this 3rd day of April, 2007.

9
10 

11 DWIGHT D. NODES
12 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

13
14 Copies of the foregoing mailed/delivered
15 this 3rd day of April, 2007 to:

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27
28