

ORIGINAL



0000070024

BEFORE THE ARIZONA CORPORATION COMMISSION

25\*

COMMISSIONERS

DOCKETED

2007 APR -3 A 11: 43

APR -3 2007

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

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY	NR
-------------	----

IN THE MATTER OF THE APPLICATION OF  
SIGNAL PEAK WATER COMPANY, INC. FOR  
APPROVAL OF THE SALE OF ITS ASSETS AND  
TRANSFER OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO AWM-  
2005, L.L.C.

DOCKET NO. W-02109A-06-0751  
DOCKET NO. W-20496A-06-0751

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 15, 2006, Signal Peak Water Company, Inc. ("SPWC") and AVM-2005, L.L.C. ("AVM") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of SPWC's assets and transfer of SPWC's Certificate of Convenience and Necessity ("Certificate") to AVM.

On January 4, 2007, the Commission's Utilities Division ("Staff") issued a letter of insufficiency which stated that the application had not met the sufficiency requirements of A.A.C. R14-2-411(C).

On March 30, 2007, Staff issued a notice of sufficiency which stated that the application had met the sufficiency requirements of A.A.C. R14-2-411(C).

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 a hearing shall commence on **May 24, 2007, at 9:30 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 the Staff Report and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on May 4, 2007.

IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits

1 to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m.  
2 on May 15, 2007.

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 May 11, 2007.

5 IT IS FURTHER ORDERED that SPWC shall provide public notice of the hearing in this  
6 matter, in the following form and style:

7 **PUBLIC NOTICE OF THE HEARING FOR APPROVAL FOR**  
8 **SIGNAL PEAK WATER COMPANY, INC.**  
9 **FOR THE SALE OF ITS ASSETS AND TRANSFER OF ITS**  
10 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO AVM-2005, L.L.C.**  
11 **DOCKET NOS. W-02109A-06-0751 AND W-20496A-06-0751**

12 On December 15, 2006, Signal Peak Water Company, Inc. ("SPWC") and AVM-  
13 2005, L.L.C. ("AVM") filed with the Arizona Corporation Commission  
14 ("Commission") an application for approval of the sale of SPWC's assets and transfer  
15 of SPWC's Certificate of Convenience and Necessity ("Certificate") to AVM. The  
16 application is available for inspection during regular business hours at the offices of  
17 the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and  
18 at the offices of the Company, [insert address] and on the internet via the Commission  
19 website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

20 The Commission will hold a hearing on this matter commencing on **May 24, 2007,**  
21 **at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street, Phoenix,  
22 Arizona. Public comments will be taken on the first day of the hearing.

23 The law provides for an open public hearing at which, under appropriate  
24 circumstances, interested parties may intervene. Intervention shall be permitted to  
25 any person entitled by law to intervene and having a direct and substantial interest in  
26 the matter. Persons desiring to intervene must file a written motion to intervene with  
27 the Commission, which motion should be sent to Applicant or its counsel and to all  
28 parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
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.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 11, 2007. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

1 If you have any questions about this application, or want information on intervention, you  
2 may contact the Consumer Services Section of the Commission, at 1200 West  
Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

3 The Commission does not discriminate on the basis of disability in admission to its  
4 public meetings. Persons with a disability may request a reasonable accommodation  
5 such as a sign language interpreter, as well as request this document in an alternative  
6 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-  
3931, E-mail [lhogan@cc.state.az.us](mailto:lhogan@cc.state.az.us). Requests should be made as early as possible to  
allow time to arrange the accommodation.

7 IT IS FURTHER ORDERED that SPWC shall cause the above notice to be mailed to its  
8 customers and published at least once in a newspaper of general circulation in its service territory,  
9 with publication to be completed no later than April 27, 2007.

10 IT IS FURTHER ORDERED that SPWC shall file certification of publication as soon as  
11 practicable after the publication has been completed.

12 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
13 notwithstanding the failure of an individual customer to read or receive the notice.

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

17 DATED this 3<sup>rd</sup> day of April, 2007.

18   
19 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered  
21 this 3<sup>rd</sup> day of April, 2007, to:

22 Susan E. Klemmer  
KUTAK ROCK, LLP  
8601 N. Scottsdale Rd., Suite 300  
23 Scottsdale, AZ 85253-2742  
Attorneys for AVM-2005, L.L.C.

24 John Paul Jones  
25 BUELER JONES LLP  
1300 N. McClintock Dr., Suite B-4  
26 Chandler, AZ 85226-7241  
Attorneys for Signal Peak Water Co., Inc.  
27  
28

1 Christopher Kempley, Chief Counsel  
2 Legal Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, Arizona 85007

6 Ernest Johnson, Director  
7 Utilities Division  
8 ARIZONA CORPORATION COMMISSION  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007

11 ARIZONA REPORTING SERVICE, INC.  
12 2627 N. Third Street, Suite Three  
13 Phoenix, Arizona 85004-1104

14 By:   
15 Debbi Person  
16 Secretary to Marc Stern  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28