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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2007 APR 13 10: 58

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

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY [Signature]

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

REVISED
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).

On March 30, 2007, Arizona Water Company ("AWC") filed a request to intervene in the proceeding. There have been no objections to AWC's request.

On April 3, 2007, by Procedural Order, a hearing was scheduled for May 24, 1007.

On April 10, 2007, Staff requested that the proceeding be rescheduled due to scheduling conflicts.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Revised Procedural Order to govern the preparation and conduct of this proceeding and its rescheduling.

IT IS THEREFORE ORDERED that a hearing shall commence on May 22, 2007, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,

1 Phoenix, Arizona 85007.

2 IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at
3 hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on May 4,
4 2007.

5 IT IS FURTHER ORDERED that any objections to the Staff Report and associated exhibits
6 to be presented at hearing by Applicant shall be reduced to writing and filed on or before 4:00 p.m.
7 on May 15, 2007.

8 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
9 except that all motions to intervene must be filed on or before May 11, 2007.

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

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

15 On December 15, 2006, Signal Peak Water Company, Inc. ("SPWC") and AVM-
16 2005, L.L.C. ("AVM") filed with the Arizona Corporation Commission
17 ("Commission") an application for approval of the sale of SPWC's assets and transfer
18 of SPWC's Certificate of Convenience and Necessity ("Certificate") to AVM. The
19 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 Company, [insert address] and on the internet via the Commission
website (www.azcc.gov) using the e-docket function.

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

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

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

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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.

If you have any questions about this application, or want 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 Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

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

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

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

IT IS FURTHER ORDERED that Arizona Water Company is hereby granted intervention in the proceeding.

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

DATED this 13TH day of April, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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

2 Susan E. Klemmer
3 KUTAK ROCK, LLP
4 8601 N. Scottsdale Rd., Suite 300
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6 Attorneys for AVM-2005, L.L.C.

7 John Paul Jones
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19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Ernest Johnson, Director
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23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2627 N. Third Street, Suite Three
28 Phoenix, Arizona 85004-1104

19 By: 
20 Debbi Person
21 Secretary to Marc Stern