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BEFORE THE ARIZONA CORPORATION COMMISSION ^{25#} Arizona Corporation Commission

COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET OFFICE

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IN THE MATTER OF THE APPLICATION OF
QUEEN CREEK WATER COMPANY FOR
APPROVAL OF SALE OF ASSETS AND
CONDITIONAL CANCELLATION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01395A-07-0556

PROCEDURAL ORDER

BY THE COMMISSION:

On September 28, 2007, Queen Creek Water Company ("QCWC" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its assets and operations to the Town of Queen Creek ("Town") and to cancel its Certificate of Convenience and Necessity upon consummation of the sale of QCWC to the Town.

On October 26, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On November 7, 2007, the Commission received a customer comment objecting to the sale.

On November 19, 2007, Applicant filed its Response to Staff's Insufficiency Letter.

On December 13, 2007, Staff filed a Sufficiency Letter in this docket indicating QCWC's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.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 the **hearing** in the above-captioned matter shall be held on **January 30, 2008, 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 **January 14, 2008**.

1 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
2 later than **January 25, 2008**.

3 IT IS FURTHER ORDERED that QCWC shall provide public notice of the hearing in this
4 matter, in the following form and style, with the heading no less than 12 point bold type and the body
5 no less than 10 point regular type:

6
7 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
8 **QUEEN CREEK WATER COMPANY FOR APPROVAL OF SALE OF**
9 **ASSETS AND CONDITIONAL CANCELLATION OF ITS CERTIFICATE**
10 **OF CONVENIENCE AND NECESSITY.**
11 **(Docket No. W-01395A-07-0556)**

12 On September 28, 2007, Queen Creek Water Company ("QCWC") filed with the
13 Arizona Corporation Commission ("Commission") an application for approval to sell
14 its assets and operations to the Town of Queen Creek ("Town") and to cancel its
15 Certificate of Convenience and Necessity ("CC&N") upon consummation of the sale
16 of QCWC to the Town. The Commission's Utilities Division ("Staff") has not yet
17 made a recommendation regarding QCWC's application, and the Commission is not
18 bound by the proposals made by QCWC, Staff, or any intervenors. The Commission
19 will issue a decision regarding QCWC's application following consideration of
20 testimony and evidence presented at an evidentiary hearing. Copies of the application
21 are available at QCWC's offices [insert address] and the Commission's offices at
22 1200 West Washington, Phoenix, Arizona, for public inspection during regular
23 business hours and on the internet via the Commission website (www.azcc.gov) using
24 the e-docket function.

25 The Commission will hold a hearing on this matter beginning **January 30, 2008, at**
26 **10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
27 Public comments will be taken on the first day of the hearing. Written public
28 comments may be submitted via email (visit
<http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter
referencing Docket Number W-01395A-07-0556 to: Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
85007.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
to intervene. If you would like to intervene, you must file a written motion to
intervene with the Commission, and you must send copies of the motion to the
Company or its counsel, and to all parties of record in the case. Your motion to
intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and
telephone number of any party upon whom documents are to be served in
your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of
the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been

1 mailed to the Company or its counsel and to all parties of record in the
2 case.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
4 except that all motions to intervene must be filed on or before **January 14,**
5 **2008.** If representation by counsel is required by Rule 31 of the Rules of the
6 Arizona Supreme Court, intervention will be conditioned upon the intervenor
7 obtaining counsel to represent the intervenor. For information about requesting
8 intervention, visit the Arizona Corporation Commission's webpage at
9 <http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention,
10 among other things, entitles a party to present sworn evidence at hearing and to
11 cross-examine other witnesses. However, failure to intervene will not preclude
12 any customer from appearing at the hearing and making a statement on such
13 customer's own behalf.

14 If you have any questions about this application, you may contact QCWC at
15 [insert telephone number]. If you wish to file written comments on the
16 application or want further information on intervention you may contact the
17 Consumer Services Section of the Commission at 1200 W. Washington St.,
18 Phoenix, AZ 85007, or call 1-800-222-7000.

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

26 IT IS FURTHER ORDERED that the QCWC shall **mail to each property owner or**
27 **property owner representative** in the requested cancellation of CC&N area a copy of the above
28 notice and shall cause the above notice to be published in a newspaper of general circulation in its
service territory, with publication and mailing to be completed no later than **January 4, 2008.**

IT IS FURTHER ORDERED that the QCWC shall **file certification of mailing and**
publication as soon as practicable after the mailing/publication has been completed, but not later
than **January 14, 2008.**

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

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **January 4,**
2008.

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or

1 before **January 14, 2008.**

2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
3 Communications) continues to apply to this proceeding as the matter is set for public hearing.

4 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
5 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
6 *hac vice*.

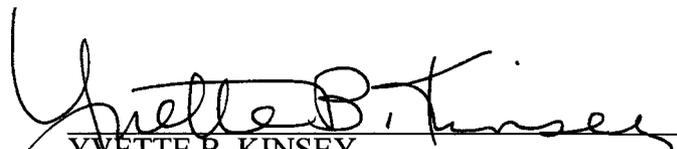
7 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
8 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
9 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
10 30 days of the date of this Procedural Order.

11 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
12 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
13 Rules of Arizona Supreme Court). Representation before the Commission includes appearances at all
14 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
15 for discussion, unless counsel has previously been granted permission to withdraw by the
16 Administrative Law Judge or the Commission.

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

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

23 Dated this 19th day of December 2007.

24
25
26 
27 YVETTE B. KINSEY
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 19th day of December, 2007 to:

3 Paul Gardner, Owner
4 QUEEN CREEK WATER COMPANY
5 22713 South Ellsworth Road, Bldg. A
6 P.O. Box 366
7 Queen Creek, Arizona 85242

8 Steven H. Hirsch
9 Stanley B. Lutz
10 BRYAN CAVE LLP
11 2 North Central Avenue, Suite 2200
12 Phoenix, Arizona 85004-4406
13 Attorneys for Queen Creek Water Company

14 Patrick Flynn, Assistant Town Manager
15 TOWN OF QUEEN CREEK
16 22350 South Ellsworth Road
17 Queen Creek, Arizona 85242

18 Marlene Pontrelli
19 MARISCAL WEEKS McINTYRE & FRIEDLANDER, PA
20 2901 North Central Avenue, Suite 200
21 Phoenix, Arizona 85012

22 Christopher Kempley, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Ernest G. Johnson, Director
28 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Ave., Suite 502
Phoenix, Arizona 85004

23 By:


24 Debra Broyles
25 Secretary to Yvette B. Kinsey
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27
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