

ORIGINAL



25HC

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2007 DEC 28 A 10:42

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 28 2007

DOCKETED BY [Signature]

DOCKET NO. W-01395A-07-0556

**AMENDED
PROCEDURAL ORDER**

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.

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").

On December 19, 2007, a Procedural Order was issued setting this matter for hearing on January 30, 2008, and establishing other time deadlines.

On December 24, 2007, Staff filed a Motion to Amend Procedural Schedule ("Motion"). Staff indicated that it needed additional time to file its Staff Report, and requested the hearing date be modified due to a conflict with Staff Counsel's attendance at another hearing.

On December 27, 2007, QCWC filed its Response to the Motion, indicating that delay would hamper the ability of it and the Town to consummate the transaction and provide for the orderly and

1 timely transition of service. QCWC proposed moving the hearing to an earlier date.

2 On December 28, 2007, a telephonic procedural conference was held and counsel for Staff
3 and QCWC agreed upon a modified procedural schedule and date for hearing.

4 Pursuant to A.A.C. R14-3-101, the Commission now issues this Amended Procedural Order
5 to govern the preparation and conduct of this proceeding.

6 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
7 on **February 4, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's
8 offices, 1200 West Washington Street, Phoenix, Arizona 85007.

9 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
10 105, except that all Motions to Intervene must be filed on or before **January 18, 2008**.

11 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
12 later than **January 28, 2008**.

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

16 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
17 **QUEEN CREEK WATER COMPANY FOR APPROVAL OF SALE OF**
18 **ASSETS AND CONDITIONAL CANCELLATION OF ITS CERTIFICATE**
OF CONVENIENCE AND NECESSITY.
(Docket No. W-01395A-07-0556)

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

The Commission will hold a hearing on this matter beginning **February 4, 2008, at
10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
Public comments will be taken on the first day of the hearing. Written public
comments may be submitted via email (visit

1 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter
2 referencing Docket Number W-01395A-07-0556 to: Arizona Corporation
3 Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
4 85007.

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

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

7 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,
8 except that all motions to intervene must be filed on or before **January 18,**
9 **2008.** If representation by counsel is required by Rule 31 of the Rules of the
10 Arizona Supreme Court, intervention will be conditioned upon the intervenor
11 obtaining counsel to represent the intervenor. For information about requesting
12 intervention, visit the Arizona Corporation Commission's webpage at
13 <http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention,
14 among other things, entitles a party to present sworn evidence at hearing and to
15 cross-examine other witnesses. However, failure to intervene will not preclude
16 any customer from appearing at the hearing and making a statement on such
17 customer's own behalf.

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

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

IT IS FURTHER ORDERED that the QCWC shall **mail to each customer and property**
owner or property owner representative in the requested cancellation of CC&N area a copy of the
above 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 7, 2008.**

1 IT IS FURTHER ORDERED that the QCWC shall **file certification of mailing and**
2 **publication** as soon as practicable after the mailing/publication has been completed, but not later
3 than **January 18, 2008**.

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

7 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **January 18,**
8 **2008**.

9 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or
10 before **January 28, 2008**.

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

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

16 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
17 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
18 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
19 30 days of the date of this Procedural Order.

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

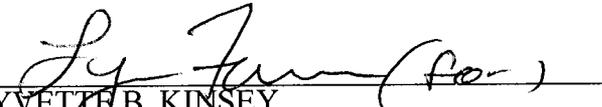
26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
27 Communications) applies to this proceeding and shall remain in effect until the Commission's
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Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the 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 25th day of December 2007.


YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

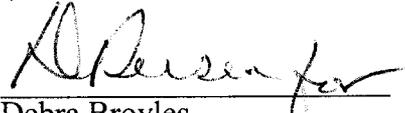
Copies of the foregoing mailed/delivered this 25th day of December, 2007 to:

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

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Utilities Division
ARIZONA CORPORATION COMMISSION
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By: 
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Secretary to Yvette B. Kinsey

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