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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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JAN 8 2008

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

DOCKETED BY [Signature]

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AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
ICR WATER USERS ASSOCIATION, INC. FOR  
A PERMANENT RATE INCREASE.

DOCKET NO. W-02824A-07-0388

PROCEDURAL ORDER

BY THE COMMISSION:

On June 26, 2007, ICR Water Users Association, Inc. ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges.

On July 26, 2007, the Commission's Utilities Division ("Staff") issued a notice of sufficiency pursuant to A.A.C. R14-3-103, and classifying the Company as a Class C utility.

On August 9, 2007, pursuant to A.A.C. R14-3-101, the Commission issued a Procedural Order which scheduled a hearing on January 8, 2008, and established filing dates for the proceeding.

On December 21, 2007, Mr. Dayne Taylor, a customer of the Company, filed a request to intervene which was opposed by the Company due to the lateness of the filing. Staff did not object to Mr. Taylor's request for intervention.

On January 8, 2008, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its office in Phoenix, Arizona. The Company and Staff appeared with counsel. Following public comment, Mr. Taylor was granted intervention and appeared on his own behalf. The parties subsequently agreed to certain filing dates and to the continuance of the hearing to April 16, 2008.

IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall be continued from January 8, 2008, to April 16, 2008, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

1 IT IS FURTHER ORDERED that Mr. Dayne Taylor is hereby granted intervention in the  
2 proceeding.

3 IT IS FURTHER ORDERED that any **direct testimony and associated exhibits** to be  
4 presented at hearing on **behalf of intervenor**, Mr. Dayne Taylor, shall be reduced to writing and filed  
5 on or before **February 1, 2008**.

6 IT IS FURTHER ORDERED that any **amended Staff Report and/or rebuttal testimony**  
7 **and associated exhibits** to be presented at hearing by **Staff and the Company** shall be reduced to  
8 writing and filed on or before **February 22, 2008**.

9 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits** to be  
10 presented **by the intervenor** shall be reduced to writing and filed on or before **March 14, 2008**.

11 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be  
12 presented at the hearing shall be presented orally at the hearing.

13 IT IS FURTHER ORDERED that any **objections to any testimony or exhibits** which have  
14 been prefiled as of March 14, 2008, shall be made on or before **April 7, 2008**.

15 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
16 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is  
17 scheduled to testify.

18 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
19 regulations of the Commission, except that: any objection to discovery requests shall be made within  
20 three days<sup>1</sup> of receipt and responses to discovery requests shall be made within five days of receipt;  
21 the response time may be extended by mutual agreement of the parties involved if the request  
22 requires an extensive compilation effort; and no discovery requests shall be served after March 14,  
23 2008.

24 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
25 discovery, any party seeking discovery may telephonically contact the Commission's Hearing  
26 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a  
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28 <sup>1</sup> "Days" means calendar days.

1 request, a procedural hearing will be convened as soon as practicable; and that the party making such  
2 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the  
3 hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

4 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by  
5 the Commission within ten days of the filing date of the motion shall be deemed denied.

6 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of  
7 the filing date of the motion.

8 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date  
9 of the response.

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

13 IT IS FURTHER ORDERED that, pursuant to A.A.C. R14-2-103, the time frame in this  
14 proceeding shall be suspended until further order.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

20 DATED this 8<sup>TH</sup> day of January, 2008.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

27 \_\_\_\_\_  
28 <sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 Copies of the foregoing mailed  
2 this 21st day of January, 2008 to:

3 Robert M. Busch  
4 ICR WATER USERS ASSOCIATION, INC.  
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By:   
Debra Broyles  
Secretary to Marc E. Stern