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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

JUL 19 2007

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
MARK GRAPP DBA SERVICEBERRY WATER
COMPANY FOR APPROVAL OF THE SALE OF
ITS ASSETS AND TRANSFER OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO VERNON VALLEY WATER, INC.

DOCKET NO. W-02481A-07-0168

DOCKET NO. W-20540A-07-0168

PROCEDURAL ORDER

BY THE COMMISSION:

On March 22, 2007, Mark Grapp dba Serviceberry Water Company ("SWC") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of SWC's assets and transfer of its Certificate of Convenience and Necessity ("Certificate") to Vernon Valley Water, Inc. ("VVW").

On April 19, 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 July 10, 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 **September 20, 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 **August 14, 2007**.

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

1 **exhibits** to be presented at hearing by Applicant shall be reduced to writing and filed on or before
2 4:00 p.m. on **August 24, 2007**.

3 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
4 105, except that all motions to intervene must be filed on or before **August 30, 2007**.

5 IT IS FURTHER ORDERED that Applicant 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 **MARK GRAPP DBA SERVICEBERRY WATER COMPANY FOR APPROVAL**
9 **OF THE SALE OF ITS ASSETS AND TRANSFER OF ITS CERTIFICATE OF**
10 **CONVENIENCE AND NECESSITY TO VERNON VALLEY WATER, INC.**
11 **DOCKET NOS. W-02481A-07-0168 AND DOCKET NO. W-20540A-07-0168**

12 On March 22, 2007, Mark Grapp dba Serviceberry Water Company ("SWC") filed
13 with the Arizona Corporation Commission ("Commission") an application for
14 approval of the sale of SWC's assets and transfer of SWC's Certificate of
15 Convenience and Necessity ("Certificate") to Vernon Valley Water, Inc. ("VVW").
16 The application is available for inspection during regular business hours at the offices
17 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,
18 and at the offices of the Company, [insert address] and on the internet via the
19 Commission website (www.azcc.gov) using the e-docket function.

20 The Commission will hold a hearing on this matter commencing on **September 20,**
21 **2007, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street,
22 Phoenix, 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:

- 20 1. The name, address, and telephone number of the proposed intervenor and of
21 any party upon whom service of documents is to be made if different than the
22 intervenor.
- 23 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
24 a customer of Applicant, a shareholder of Applicant, a competitor, etc.).
- 25 3. A statement certifying that a copy of the motion to intervene has been mailed
26 to the Applicant or its counsel and to all parties of record in the case.

27 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
28 that all motions to intervene must be filed on or before August 30, 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@azcc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall cause the above notice to be **published** at least once in a newspaper of general circulation in its service territory, with publication to be completed no later than **August 10, 2007**.

IT IS FURTHER ORDERED that Applicant 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 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 19th day of July, 2007.


MARC STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 19th day of July, 2007 to:

Mark Grapp
SERVICEBERRY WATER COMPANY
P.O. Box 1270
Show Low, Arizona 85902-1270

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
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ARIZONA REPORTING SERVICE, INC.
2200 North Third Street, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc Stern