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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission  
DOCKETED

AUG -9 2007

DOCKETED BY NR

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

DOCKET NO. W-02824A-07-0388

RATE CASE  
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.

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 commence on **January 8, 2008 at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that the **Staff Report** and/or any direct testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before **November 30, 2007**.

IT IS FURTHER ORDERED that any **direct testimony and associated exhibits** to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before **November 30, 2007**.

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1 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits** to be  
2 presented at hearing by the Company shall be reduced to writing and filed on or before **December 14**  
3 **2007**.

4 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits** to be  
5 presented by the Staff and/or intervenors shall be reduced to writing and filed on or before **December**  
6 **21, 2007**.

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

9 IT IS FURTHER ORDERED that any **objections to any testimony or exhibits** which have  
10 been prefiled as of December 21, 2007, shall be made on or before **January 2, 2008**.

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

14 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
15 105, except that all motions to intervene must be filed on or before **October 1, 2007**.

16 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
17 regulations of the Commission, except that: any objection to discovery requests shall be made within  
18 7 days<sup>1</sup> of receipt and responses to discovery requests shall be made within 10 days of receipt;  
19 thereafter, objections to discovery requests shall be made within 5 days and responses shall be made  
20 in 7 days; the response time may be extended by mutual agreement of the parties involved if the  
21 request requires an extensive compilation effort; and no discovery requests shall be served after  
22 September 28, 2007.

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

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the  
2 hearing provide a statement confirming that the other parties were contacted.<sup>2</sup>

3 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by  
4 the Commission within 10 days of the filing date of the motion shall be deemed denied.

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

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

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

11  
12 **PUBLIC NOTICE OF HEARING ON THE RATE APPLICATION**  
**OF ICR WATER USERS ASSOCIATION, INC.**  
13 **Docket No. W-02824A-07-0388**

14 On June 26, 2007, ICR Water Users Association, Inc. ("Company") filed an  
15 application with the Arizona Corporation Commission for an increase in its rates and  
16 charges. Copies of the Company's application and proposed tariffs are available at its  
17 office and the Commission's offices for public inspection during regular business  
18 hours.

19 The Commission will hold a public hearing on this matter beginning **January 8, 2008**  
20 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix,  
21 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 any  
24 person entitled by law to intervene and having a direct and substantial interest in the  
25 matter. Persons desiring to intervene must file a written motion to intervene with the  
26 Commission no later than **October 1, 2007**. The motion to intervene must be sent to  
27 the Company or its counsel and to all parties of record, and shall contain the  
28 following:

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

<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 3. A statement certifying that a copy of the motion to intervene has been  
2 mailed to the Company or its counsel and to all parties of record in the  
3 case.

4 The granting of intervention, among other things, entitles a party to present sworn  
5 evidence at the hearing and to cross-examine other witnesses. However, failure to  
6 intervene will not preclude any interested person or entity from appearing at the  
7 hearing and providing public comment on the application or from filing written  
8 comments in the record of the case. You will not receive any further notice of this  
9 proceeding unless you request it.

10 If you have any questions about this application, or want further information on  
11 intervention, you may contact the Consumer Services Section of the Commission at  
12 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

13 The Commission does not discriminate on the basis of disability in admission to its  
14 public meetings. Persons with a disability may request a reasonable accommodation  
15 such as a sign language interpreter, as well as request this document in an alternative  
16 format, by contacting Linda Hogan at [LHogan@azcc.gov](mailto:LHogan@azcc.gov), voice phone number (602)  
17 542-3931. Requests should be made as early as possible to allow time to arrange the  
18 accommodation.

19 IT IS FURTHER ORDERED that the Company shall provide notice as follows:

- 20 • by **publishing by September 14, 2007**, a copy of the above notice in a newspaper of  
21 general circulation in the service area; and
- 22 • by **mailing by September 14, 2007**, a copy of the above notice to each of its  
23 customers.

24 IT IS FURTHER ORDERED that the Company shall file certification of the provision of  
25 notice as soon as practicable after notice has been completed.

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

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

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

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

4 DATED this 9th day of August, 2007.

5  
6  
7  
8   
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed  
10 this 9th day of August, 2007 to:

11 Robert M. Busch  
12 ICR WATER USERS ASSOCIATION, INC.  
13 P.O. Box 5669  
14 Chino Valley, AZ 86323

15 Robert J. Metli  
16 Marcie A. Shuman  
17 SNELL & WILMER L.L.P.  
18 One Arizona Center  
19 400 East Van Buren Street  
20 Phoenix, AZ 85004-2202  
21 Attorneys for ICR Water Users Association, Inc.

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

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

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Street, Suite 502  
Phoenix, AZ 85004-1481

25 By:   
26 Debra Broyles  
27 Secretary to Marc E. Stern  
28