

ORIGINAL



0000076196

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2007 SEP -5 P 2:29

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 05 2007

DOCKETED BY

DOCKET NO. W-02192A-07-0326

IN THE MATTER OF THE APPLICATION OF
LITTLE PARK WATER COMPANY INC. FOR
AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE WATER SERVICE IN YAVAPAI
COUNTY, ARIZONA.

AMENDED PROCEDURAL ORDER

BY THE COMMISSION:

On May 24, 2007, Little Park Water Company Inc., ("LPWC") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("CC&N") to provide water service in Yavapai County, Arizona.

On June 26, 2007, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket indicating that LPWC's application has met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C").²

On July 30, 2007, LPWC filed a corrected legal description to the application.

On August 3, 2007, a Procedural Order was issued setting the hearing in this matter for September 24, 2007.

On August 7, 2007, counsel for LPWC filed a Motion requesting that the hearing be continued stating that the President of LPWC and the Company's sole witness, Stevan Gudovic, were both unavailable for the hearing date. The Motion also stated that Staff does not object to a continuance of not less than 30 days. Further, LPWC stipulated to an extension of the time clock under A.A.C. R-2-411(C) for the number of days the hearing date is actually continued.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter **scheduled to commence on September 24, 2007, is continued to November 7, 2007 at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Arizona 85007.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
 2 105, except that all motions to intervene must be filed on or before **October 15, 2007**.

3 IT IS FURTHER ORDERED that **objections to any motions to intervene** must be filed no
 4 later than **October 25, 2007**.

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

8 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF LITTLE PARK WATER**
 9 **COMPANY INC., FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND**
 10 **NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA**
 11 **(DOCKET NUMBER W-02192A-07-0326)**

12 On May 24, 2007, Little Park Water Company ("LPWC") filed with the Arizona
 13 Corporation Commission ("Commission") an application for an extension of its
 14 Certificate of Convenience and Necessity ("CC&N") to provide water service in
 15 Yavapai County, Arizona. The Commission's Utilities Division ("Staff") has not yet
 16 made a recommendation regarding LPWC's application, and the Commission is not
 17 bound by the proposals made by LPWC, Staff, or any intervenors. The Commission
 will issue a decision regarding LPWC's application following consideration of
 testimony and evidence presented at an evidentiary hearing. Copies of the application
 are available at LPWC'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.

18 The Commission will hold a hearing on this matter beginning **November 7, at 10:00**
 19 **a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public
 20 comments will be taken on the first day of the hearing. Written public comments may
 21 be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for
 22 instructions), or by mailing a letter referencing Docket Number W-02192A-07-0326
 to: Arizona Corporation Commission, Consumer Services Section, 1200 West
 Washington, Phoenix, AZ 85007.

23 The law provides for an open public hearing at which, under appropriate
 24 circumstances, interested parties may intervene. Any person or entity entitled by law
 25 to intervene and having a direct and substantial interest in the matter will be permitted
 26 to intervene. If you would like to intervene, you must file a written motion to
 27 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:

- 28 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.).

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **October 15, 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 person or entity from appearing at the hearing and making a statement on their own behalf.

If you have any questions about this application, you may contact LPWC at [**insert telephone number**]. If you wish to file written comments on the application or want further information on intervention you may contact the Consumer Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 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 the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that LPWC shall **mail to each property owner or property owner representative** in the requested extension 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 **September 28, 2007**.

IT IS FURTHER ORDERED that LPWC shall **file certification of mailing and publication** as soon as practicable after the mailing/publication has been completed, but not later than **October 15, 2007**.

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 October 1, 2007**.

IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or before October 15, 2007**.

IT IS FURTHER ORDERED that the time clock is extended accordingly.

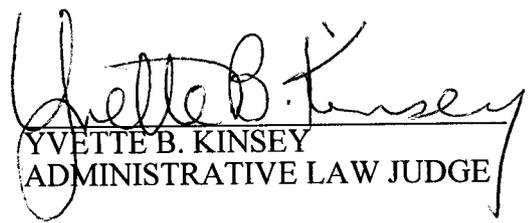
1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) continues to apply to this proceeding as the matter is set for public hearing.

3 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and 38(a) of the
4 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

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

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

14 Dated this 5th day of September, 2007.

15
16 
17 YVETTE B. KINSEY
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 5th day of September 2007 to:

21 Richard L. Sallquist
22 SALLQUIST, DRUMMOND & O'CONNOR
23 4500 S. Lakeshore Dr., Suite 339
24 Tempe, AZ 85282
25 Attorneys for Little Park Water Co.

Ernest G. Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

24 Christopher Kempley, Chief Counsel
25 Legal Division
26 Arizona Corporation Commission
27 1200 West Washington Street
28 Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Ave., Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Yvette B. Kinsey