



0000076589

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION an Commission

RECEIVED

DOCKETED

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

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

2007 SEP -5 P 2:29

SEP 05 2007

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
WATER UTILITY OF GREATER TONOPAH,
INC., FOR APPROVAL OF AN EXTENSION OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. W-02450A-06-0626

IN THE MATTER OF THE APPLICATION OF
HASSAYAMPA UTILITY COMPANY, INC.,
FOR APPROVAL OF AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
UTILITY SERVICE IN MARICOPA COUNTY,
ARIZONA.

DOCKET NO. SW-20422A-06-0566

PROCEDURAL ORDER

BY THE COMMISSION:

On September 7, 2006, Hassayampa Utility Company, Inc., (“Hassayampa” or “Applicant”), filed with the Arizona Corporation Commission (“Commission”) an application (Docket No. SW-20422A-06-0566) for an extension of its Certificate of Convenience and Necessity (“Certificate” or “CC&N”) to provide public wastewater utility service in various parts of Maricopa County, Arizona.

On September 29, 2006, Water Utility of Greater Tonopah, Inc., (“WUGT” or “Applicant”) filed with the Commission an application (Docket No. W-02450A-06-0626) for an extension of its Certificate to include an additional 22,217 acres to its existing Certificated area in Maricopa County, Arizona.

On January 3, 2007, Staff issued a letter of administrative completeness in the Hassayampa docket.

On January 18, 2007, a Procedural Conference was held as scheduled in the Hassayampa docket. Hassayampa and Staff appeared for the Procedural Conference and discussions were held relating to the possible consolidation of the Hassayampa docket and WUGT docket.

On January 19, 2007, by Procedural Order, the timeframe in the Hassayampa docket was

1 suspended pending the issuance of a notice of sufficiency in the WUGT docket and a determination
2 whether the two dockets should be consolidated.

3 On June 18, 2007, Staff filed a Sufficiency Letter in the WUGT docket, indicating that
4 WUGT's application has met the sufficiency requirements as outlined in the Arizona Administrative
5 Code ("A.A.C.").

6 On June 27, 2007, by Procedural Order, the hearing was scheduled to commence on August
7 28, 2007 in the WUGT docket.

8 On July 5, 2007, Staff filed a Motion to Consolidate the above captioned matters (Docket No.
9 W-02450A-06-0626 and Docket No. SW-20422A-06-0566) stating the issues in these matters are
10 substantially related and no parties' rights will be prejudiced by consolidation. Staff further
11 requested that the hearing set for August 28, 2007 in the WUGT docket be reset because Staff's
12 witness was unavailable for that date.

13 On August 1, 2007, Belmont LKY 200K Limited Partnership L.L.L.P., an Arizona limited
14 liability limited partnership; SMT Investors Limited Partnership, an Arizona limited partnership;
15 Cardon Family, L.L.C., an Arizona limited liability company; Far Marel, L.L.C., an Arizona limited
16 liability company; Mt. Olympus Investments, L.L.C., an Arizona limited liability company; Neal
17 Management, L.L.C., an Arizona limited liability company; Michael T. Cowley, as Trustee of the
18 ANC Irrevocable Trust dated October 18, 2004; Ben Fatto Limited Partnership, an Arizona limited
19 partnership; Boa Sorte Limited Partnership, an Arizona limited partnership; Viel Gluck Limited
20 Partnership, an Arizona limited liability partnership; and Goodwin Consultant, L.L.C., an Arizona
21 limited liability company (collectively, "Belmont") filed a Motion to Intervene.

22 On August 8, 2007, by Procedural Order, Docket No. W-02450A-06-0626 and Docket No.
23 SW-20422A-06-0566 were consolidated and a procedural conference was set for August 23, 2007.

24 On August 22, 2007, by Procedural Order, the hearing on the consolidated dockets was reset
25 to commence on September 26, 2007 and Belmont's Motion to Intervene was granted.

26 On August 23, 2007, Staff and Counsel for WUGT and Hassayampa appeared at the
27 procedural conference to discuss additional procedural matters related to the consolidated dockets.

28 On August 28, 2007, a telephonic conference was held and Staff stated that its witness was

1 unavailable for the September 26, 2007 hearing date and requested that the date for the hearing be
2 reset.

3 Accordingly, the date for the hearing should be reset.

4 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
5 commence on **November 1, 2007 at 2:00 p.m.**, or as soon thereafter as is practical, at the
6 Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

7 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
8 except that all **motions to intervene** must be filed on or before **October 12, 2007**.

9 IT IS FURTHER ORDERED that **objections to any motions to intervene** must be filed on
10 or before **October 26, 2007**.

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

14 **PUBLIC NOTICE OF HEARING ON THE APPLICATIONS OF WATER UTILITY**
15 **OF GREATER TONAPAH, INC., AND HASSAYAMPA UTILITY COMPANY, INC.,**
16 **FOR AN EXTENSION OF THEIR CERTIFICATES OF**
17 **CONVENIENCE AND NECESSITY**
18 **(W-02450A-06-0626 et. al)**

19 On September 7, 2006, Hassayampa Utility Company, Inc., ("Hassayampa" or
20 "Applicant") filed with the Arizona Corporation Commission ("Commission") an
21 application for an extension of its Certificate of Convenience and Necessity
22 ("Certificate" or "CC&N") to provide wastewater utility service in various parts of
23 Maricopa County. On September 29, 2006, Water Utility of Greater Tonopah, Inc.,
24 ("WUGT" or "Applicant") filed with the Commission an application for an extension
25 of its Certificate to include an additional 22,217 acres to its existing CC&N in
26 Maricopa County, Arizona. On August 8, 2007, by Procedural Order, the matters
27 were consolidated. The Commission's Utilities Division ("Staff") has not yet made
28 recommendations regarding the consolidated applications, and the Commission is not
bound by the proposals made by Hassayampa or WUGT, Staff, or any intervenors.
The Commission will issue a decision regarding the above-captioned applications
following consideration of testimony and evidence presented at an evidentiary hearing.
Copies of the applications are available at the Applicant'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 **November 1, 2007, at
2:00 p.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
<http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter

1 referencing Docket Number W-2450A-06-0626 et al to: Arizona Corporation
2 Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
3 85007.

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

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

19 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
20 that all motions to intervene must be filed on or before **October 12, 2007**. The
21 granting of intervention, among other things, entitles a party to present sworn evidence
22 at hearing and to cross-examine other witnesses. However, failure to intervene will
23 not preclude any customer from appearing at the hearing and making a statement on
24 such customer's own behalf.

25 If you have any questions about this application, you may contact the Company at
26 [**insert telephone number**]. If you wish to file written comments on the application
27 or want further information on intervention you may contact the Consumer Services
28 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 WUGT and Hassayampa shall mail to each property owner
in the requested extension areas a copy of the above notice and shall cause the above notice to the
published at least once in a newspaper of general circulation in its proposed service territory, with
publication and mailing to be completed no later than **September 21, 2007**.

IT IS FURTHER ORDERED that WUGT and Hassayampa shall file **certification of
mailing/publication** as soon as practicable after the mailing/publication has been completed, but not
later than **September 28, 2007**.

1 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication
2 of same, notwithstanding the failure of an individual to read or receive the notice.

3 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **September 28,**
4 **2007.**

5 IT IS FURTHER ORDERED that WUGT, Hassayampa, and any intervenors shall file any
6 **objections to the Staff Report** on or before **October 12, 2007.**

7 IT IS FURTHER ORDERED that the time clock in this matter is extended accordingly.

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

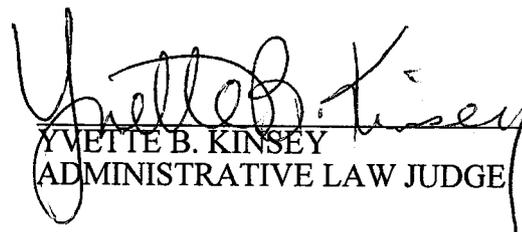
10 IT IS FURTHER ORDERED that all parties must comply with Rule 33(c) and 38(a) of the
11 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

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

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

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

24 DATED this 5th day of September, 2007.

25
26
27
28

YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing were mailed/delivered
2 this 5th day of September, 2007 to:

3 Timothy J. Sabo
4 ROSHKA DeWULF & PATTEN, PLC
5 One Arizona Center
6 400 East Van Buren Street, Suite 800
7 Phoenix, Arizona 85004
8 Attorney for Water Utility of Greater Tonopah

9 Michael W. Patten
10 ROSHKA DeWULF & PATTEN, PLC
11 One Arizona Center
12 400 East Van Buren Street, Suite 800
13 Phoenix, AZ 85004
14 Attorney for Hassayampa Utility Company, Inc.

15 Graham Symmonds, Senior Vice President
16 GLOBAL WATER MANAGEMENT
17 21410 North 19th Avenue, Suite 201
18 Phoenix, Arizona 85027

19 Christopher Kempley, Chief Counsel
20 Legal Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

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

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

By:


Debra Broyles
Secretary to Yvette Kinsey