

ORIGINAL



0000076851

BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

254

COMMISSIONERS

2007 SEP 11 P 3: 06

RECEIVED
DOCKETED

SEP 11 2007

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

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY	nr
-------------	----

IN THE MATTER OF THE APPLICATION OF
DOUBLE DIAMOND UTILITIES, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE
AND WASTEWATER SERVICE.

DOCKET NO. W&S20543A-07-0435

PROCEDURAL ORDER

BY THE COMMISSION:

On July 23, 2007, Double Diamond Utilities, Inc. ("DDU" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide water and wastewater service for a master planned community known as The Ranch at White Hills in Mohave County, Arizona.

On August 20, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On August 27, 2007, Applicant filed its Response to Staff's Insufficiency Letter.

On September 6, 2007, Staff filed a Sufficiency Letter in this docket indicating DDU's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.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 the **hearing** in the above-captioned matter shall be held on **October 31, 2007, at 10:00 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 **intervention** shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before **October 12, 2007**.

IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no

1 later than **October 22, 2007**.

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

5 **PUBLIC NOTICE OF THE HEARING ON THE**
6 **APPLICATION OF DOUBLE DIAMOND UTILITIES, INC. FOR A**
7 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER**
8 **SERVICE AND WASTEWATER SERVICE IN MOHAVE COUNTY.**
9 **(Docket No. W-20543A-07-0435)**

10 On July 23, 2007, Double Diamond Utilities, Inc. ("DDU" or "Applicant") filed with
11 the Arizona Corporation Commission ("Commission") an application for an extension
12 of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide
13 water and wastewater service for a master planned community known as The Ranch at
14 White Hills in Mohave County, Arizona. The Commission's Utilities Division
15 ("Staff") has not yet made a recommendation regarding DDU's application, and the
16 Commission is not bound by the proposals made by DDU, Staff, or any intervenors.
17 The Commission will issue a decision regarding DDU's application following
18 consideration of testimony and evidence presented at an evidentiary hearing. Copies
19 of the application are available at DDU's offices [insert address] and the
20 Commission's offices at 1200 West Washington, Phoenix, Arizona, for public
21 inspection during regular business hours and on the internet via the Commission
22 website (www.azcc.gov) using the e-docket function.

23 The Commission will hold a hearing on this matter beginning **October 31, 2007, at**
24 **10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
25 Public comments will be taken on the first day of the hearing. Written public
26 comments may be submitted via email (visit
27 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter
28 referencing Docket Number W-020543A-07-0435 to: Arizona Corporation
Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ
85007.

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

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.); and
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.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
2 that all motions to intervene must be filed on or before **October 12, 2007**. The
3 granting of intervention, among other things, entitles a party to present sworn evidence
4 at hearing and to cross-examine other witnesses. However, failure to intervene will
5 not preclude any person or entity from appearing at the hearing and making a
6 statement on their own behalf.

7 If you have any questions about this application, you may contact DDU at [**insert**
8 **telephone number**]. If you wish to file written comments on the application or want
9 further information on intervention you may contact the Consumer Services Section of
10 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-
11 7000.

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

18 IT IS FURTHER ORDERED that the Applicant shall **mail to each property owner or**
19 **property owner representative** in the requested extension area a copy of the above notice and shall
20 cause the above notice to be published in a newspaper of general circulation in its service territory,
21 with publication and mailing to be completed no later than **October 2, 2007**.

22 IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and**
23 **publication** as soon as practicable after the mailing/publication has been completed, but not later
24 than **October 12, 2007**.

25 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
26 publication of same, notwithstanding the failure of an individual property owner to read or receive
27 the notice.

28 IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before October 2,**
2007.

IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or**
before October 12, 2007.

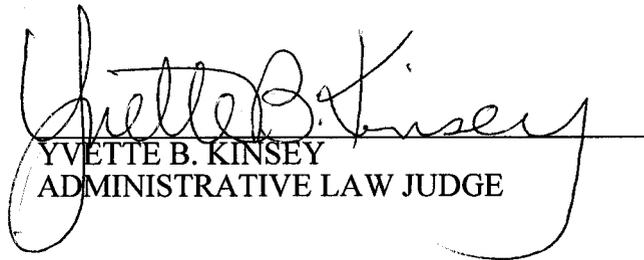
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

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

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

10 Dated this 11th day of September, 2007.

11
12 
13 YVETTE B. KINSEY
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 11th day of September, 2007 to:

17 Michael W. Patten
18 ROSHKA, DEWULF & PATTEN PLC
19 One Arizona Center
20 400 E. Van Buren, Suite 800
21 Phoenix, AZ 85004
22 Attorney for Double Diamond Utilities, Inc.

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

28 Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Ave., Suite 502
Phoenix, Arizona 85004

By: 
Debra Broyles
Secretary to Yvette B. Kinsey