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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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KRISTIN K. MAYES  
GARY PIERCE

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AZ CORP COMMISSION  
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IN THE MATTER OF THE APPLICATION OF  
DOUBLE DIAMOND UTILITIES, INC. FOR  
AN EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE WATER SERVICE AND  
WASTEWATER SERVICE IN MOHAVE  
COUNTY.

DOCKET NO. WS-20543A-07-0435

AMENDED 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 services 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.").

On September 11, 2007, by Procedural Order, the matter was set for hearing and Staff was directed to file its Staff Report in this matter on or before October 2, 2007.

On September 18, 2007, Staff filed a Motion to Extend Deadline to prepare the Staff Report in this matter. Staff requested an extension of its deadline to file its Staff Report until November 2, 2007. Staff also requested that the other procedural deadlines established in this matter be reset.

On September 20, 2007, Applicant filed a Response to Staff's Motion to Extend stating Applicant did not object to an extension of time for Staff to file its Staff Report until November 2, 2007.

1 Staff's Motion for an extension of time to file its Staff Report is reasonable and Staff's  
2 request that the other procedural deadlines be reset should be granted.

3 Pursuant to A.A.C. R14-3-101, the Commission now issues this Amended Procedural Order  
4 to govern the preparation and conduct of this proceeding.

5 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter **shall be reset**  
6 **to commence on December 3, 2007 at 1:30 p.m.**, or as soon thereafter as is practical, at the  
7 Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
9 105, except that all Motions to Intervene must be filed on or before **November 16, 2007**.

10 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no  
11 later than **November 23, 2007**.

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

15 **PUBLIC NOTICE OF THE HEARING ON THE**  
16 **APPLICATION OF DOUBLE DIAMOND UTILITIES, INC. FOR A**  
17 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER**  
18 **SERVICE AND WASTEWATER SERVICE IN MOHAVE COUNTY.**  
**(Docket No. WS-20543A-07-0435)**

19 On July 23, 2007, Double Diamond Utilities, Inc. ("DDU" or "Applicant") filed with  
20 the Arizona Corporation Commission ("Commission") an application for an extension  
21 of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide  
22 water and wastewater service for a master planned community known as The Ranch at  
23 White Hills in Mohave County, Arizona. The Commission's Utilities Division  
24 ("Staff") has not yet made a recommendation regarding DDU's application, and the  
25 Commission is not bound by the proposals made by DDU, Staff, or any intervenors.  
26 The Commission will issue a decision regarding DDU's application following  
27 consideration of testimony and evidence presented at an evidentiary hearing. Copies  
28 of the application are available at DDU'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 **December 3, 2007, at  
1:30 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  
referencing Docket Number W-020543A-07-0435 to: Arizona Corporation

1 Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ  
2 85007.

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

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

18 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
19 that all motions to intervene must be filed on or before November 16, 2007. The  
20 granting of intervention, among other things, entitles a party to present sworn evidence  
21 at hearing and to cross-examine other witnesses. However, failure to intervene will  
22 not preclude any person or entity from appearing at the hearing and making a  
23 statement on their own behalf.

24 If you have any questions about this application, you may contact DDU at [insert  
25 **telephone number**]. If you wish to file written comments on the application or want  
26 further information on intervention you may contact the Consumer Services Section of  
27 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-  
28 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](mailto: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 the Applicant 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 **October 15, 2007**.

IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and  
publication** as soon as practicable after the mailing/publication has been completed, but not later  
than **October 25, 2007**.

...

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

4 IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before November 2,**  
5 **2007.**

6 IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or**  
7 **before November 16, 2007.**

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

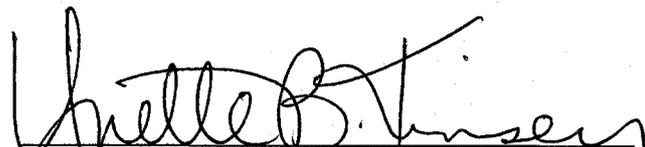
9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
10 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

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

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

22 Dated this 18<sup>th</sup> day of October, 2007.

23  
24  
25   
26 YVETTE B. KINSEY  
27 ADMINISTRATIVE LAW JUDGE  
28

1 Copies of the foregoing mailed/delivered  
2 this 15<sup>th</sup> day of October, 2007 to:

3 Michael W. Patten  
4 ROSHKA, DEWULF & PATTEN PLC  
5 One Arizona Center  
6 400 E. Van Buren, Suite 800  
7 Phoenix, AZ 85004  
8 Attorney for Double Diamond Utilities, Inc.

9 Christopher Kempley, Chief Counsel  
10 Legal Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, AZ 85007

14 Ernest G. Johnson, Director  
15 Utilities Division  
16 ARIZONA CORPORATION COMMISSION  
17 1200 West Washington  
18 Phoenix, AZ 85007

19 ARIZONA REPORTING SERVICE, INC.  
20 2200 N. Central Ave., Suite 502  
21 Phoenix, Arizona 85004

22  
23  
24 By:   
25 Debra Broyles  
26 Secretary to Yvette B. Kinsey  
27  
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