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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

DOCKETED

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

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE COMMISSION ON ITS OWN MOTION INVESTIGATING THE FAILURE OF MOUNT TIPTON WATER COMPANY, INC. TO COMPLY WITH COMMISSION RULES AND REGULATIONS.

DOCKET NO. W-02105A-07-0510

PROCEDURAL ORDER

BY THE COMMISSION:

On September 5, 2007, the Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") filed a Complaint and Petition for an Order to Show Cause ("Complaint") against Mount Tipton Water Company, Inc. ("Mount Tipton") for failure to comply with Commission Rules and Regulations.

On September 27, 2007, the Commission issued Decision No. 69913, ordering Mount Tipton to appear and show cause, at a time and place designated by the Hearing Division, to defend why its actions do not represent a violation of Decision No. 67162, Decision No. 66732, A.R.S. § 40-221, Decision No. 60988, and A.A.C. R14-2-407(C) and why other relief deemed appropriate by the Commission should not be ordered.

Decision No. 69913 further ordered Mount Tipton to file, by October 9, 2007, a preliminary statement describing how it will make the showing of cause and ordered that this filing shall include an Answer to the Complaint if an Answer has not yet been filed.

Decision No. 69913 also ordered the Hearing Division to schedule further appropriate proceedings in this matter.

On October 5, 2007, by Procedural Order, a procedural conference in this matter was scheduled for October 22, 2007.

On October 22, 2007, a procedural conference was held before a duly authorized Administrative Law Judge, with Staff represented by counsel and Mount Tipton represented by its

1 new President. Mount Tipton's President acknowledged that Mount Tipton's Board had not yet
2 passed a resolution authorizing him to represent Mount Tipton before the Commission.

3 At the procedural conference, Staff and Mount Tipton both reported that significant progress
4 had been made in resolving the violations in the Complaint. Both parties agreed that, rather than
5 scheduling a hearing, it would be beneficial to hold another procedural conference in approximately
6 one month's time to allow the parties to work on further resolving the violations in the Complaint.

7 IT IS THEREFORE ORDERED that a procedural conference in this matter shall commence
8 on **November 30, 2007, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's
9 offices, 1200 West Washington, Phoenix, Arizona 85007.

10 IT IS FURTHER ORDERED that **any party wishing to participate telephonically may do**
11 **so by calling (602) 542-9001.**

12 IT IS FURTHER ORDERED that Mount Tipton shall file with the Commission's Docket
13 Control, **before November 30, 2007**, a resolution passed by its Board in which its President or
14 another officer or employee of Mount Tipton is authorized to represent Mount Tipton before the
15 Commission as provided in A.R.S. § 40-243(B).

16 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
17 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
18 *pro hac vice*.

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

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

24 DATED this 22nd day of October, 2007.

25
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27 
28 SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

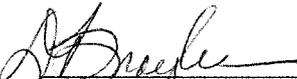
1 Copies of the foregoing mailed/delivered
this 22nd day of October, 2007, to:

2 MOUNT TIPTON WATER COMPANY, INC.
3 P.O. Box 38
Dolan Springs, AZ 86441

4 Christopher Kempley, Chief Counsel
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6 1200 West Washington Street
Phoenix, AZ 85007

7 Ernest G. Johnson, Director
8 Utilities Division
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9 1200 West Washington Street
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10 ARIZONA REPORTING SERVICE, INC.
11 2200 N. Central Avenue, Suite 502
Phoenix, Arizona 85004-1481

12
13 By: 
14 Debra Broyles
Secretary to Sarah N. Harpring

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