

ORIGINAL



0000078974

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

JUL -3 2008

2008 JUL -3 A 9:10

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY *MW*

COMMISSIONERS

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

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 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.

On March 20, 2008, a full evidentiary hearing was held before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix. Staff was represented by counsel and presented evidence and testimony. Mount Tipton was represented by then-President Russ Jacoby and presented evidence and testimony. Both Staff and Mount Tipton were ordered to file late-filed exhibits in this matter by April 11, 2008. The matter was taken under advisement pending receipt of the late-filed exhibits.<sup>1</sup>

On May 22, 2008, a Procedural Order was issued requiring Mount Tipton to file several

<sup>1</sup> For additional procedural history, please see the Procedural Order issued on May 22, 2008.

1 documents, as late-filed exhibits R-4, R-5, R-6, and R-7, by June 27, 2008. The Procedural Order  
2 also required Staff to review the documents filed by Mount Tipton and file a late-filed exhibit  
3 including specified information by August 8, 2008.

4 On June 27, 2008, Mount Tipton filed a letter requesting two additional weeks to file its late-  
5 filed exhibits. Mount Tipton explained that it had experienced several problems with its system in  
6 the past few weeks, was busy preparing for its emergency rate case,<sup>2</sup> and had been unable to complete  
7 the requirements of the Procedural Order.

8 It is reasonable to provide Mount Tipton more time to comply with the Procedural Order  
9 because Mount Tipton has limited resources and has been unable to comply with the requirements of  
10 the Procedural Order due to preparations for its emergency rate case, and Staff has not objected to  
11 Mount Tipton's request for more time. It is also reasonable to provide Staff with an equivalent  
12 extension of time to comply.

13 **IT IS THEREFORE ORDERED that the deadline for Mount Tipton to make the filings**  
14 **required by the May 22, 2008, Procedural Order is extended from June 27, 2008, to July 18,**  
15 **2008.**

16 **IT IS FURTHER ORDERED that the deadline for Staff to make the filing required by the**  
17 **May 22, 2008, Procedural Order is extended from August 8, 2008, to August 29, 2008.**

18 **IT IS FURTHER ORDERED that Mount Tipton and Staff shall ensure that their**  
19 **respective filings comply in all respects with the requirements of the May 22, 2008, Procedural**  
20 **Order.**

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

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

27 \_\_\_\_\_  
28 <sup>2</sup> The emergency rate case is assigned to Docket No. W-02105A-08-0262. A hearing is scheduled in that matter for July 25, 2008.

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

3 DATED this 3rd day of July, 2008.

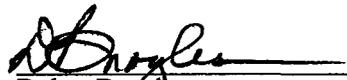
4  
5  
6   
7 SARAH N. HARPRING  
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered  
10 this 3rd day of July, 2008, to:

11 MOUNT TIPTON WATER COMPANY, INC.  
12 P.O. Box 38  
13 Dolan Springs, AZ 86441

14 Janice Alward, Chief Counsel  
15 Legal Division  
16 ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
18 Phoenix, AZ 85007

19 Ernest G. Johnson, Director  
20 Utilities Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
23 Phoenix, AZ 85007

24 By:   
25 Debra Broyles  
26 Secretary to Sarah N. Harpring  
27  
28