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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

2007 NOV 27 A 11: 32

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
WATER UTILITY OF GREATER TONOPAH,  
AN ARIZONA CORPORATION FOR AN  
EXTENSION TO ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02450A-07-0290

PROCEDURAL ORDER

BY THE COMMISSION:

On May 11, 2007, Water Utility of Greater Tonopah ("WUGT" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension to its Certificate of Convenience and Necessity ("CC&N") to provide water services in Maricopa County.

On May 18, 2007, WUGT filed a Compliance Status Report issued by the Maricopa County of Environmental Services Department ("MCESD").

On May 23, 2007, WUGT filed a Notice of Filing Late-Filed Exhibit which included the legal description for the proposed extension area.

On June 11, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On June 12, 2007, WUGT filed a Notice of Filing, which provided storage calculations for its water systems.

On August 9, 2007, Applicant filed its Response to Staff's Insufficiency Letter.

On September 6, 2007, Staff filed a second Insufficiency Letter.

On October 5, 2007, WUGT filed its Response to Staff's Second Insufficiency Letter.

On October 26, 2007, WUGT filed a Notice of Filing a revised legal description.

On November 2, 2007, Staff filed a Sufficiency Letter in this docket indicating WUGT's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C").

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

3 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held  
4 on **January 17, 2008 at 2:00 p.m.**, or as soon thereafter as is practical, at the Commission's offices,  
5 1200 West Washington Street, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
7 105, except that all Motions to Intervene must be filed on or before **January 4, 2008**.

8 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no  
9 later than **January 14, 2008**.

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

13 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF WATER**  
14 **UTILITY OF GREATER TONOPAH FOR AN EXTENSION OF ITS**  
15 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**  
16 **WATER SERVICES.**  
**(DOCKET NO. W-02450A-07-0290)**

17 On May 11, 2007, Water Utility of Greater Tonopah ("WUGT" or "Applicant")  
18 filed with the Arizona Corporation Commission ("Commission") an application  
19 for an extension to its Certificate of Convenience and Necessity ("CC&N") to  
20 provide water services in Maricopa County. The Commission's Utilities Division  
21 ("Staff") has not yet made a recommendation regarding WUGT's application, and  
22 the Commission is not bound by the proposals made by WUGT, Staff, or any  
23 intervenors. The Commission will issue a decision regarding WUGT's application  
24 following consideration of testimony and evidence presented at an evidentiary  
25 hearing. Copies of the application are available at WUGT's offices [insert  
26 address] and the Commission's offices at 1200 West Washington, Phoenix,  
27 Arizona, for public inspection during regular business hours and on the internet  
28 via the Commission website (www.azcc.gov) using the e-docket function.

23 The Commission will hold a hearing on this matter beginning **January 17,**  
24 **2008, at 2:00 p.m.**, at the Commission's offices, 1200 West Washington,  
25 Phoenix, Arizona. Public comments will be taken on the first day of the  
26 hearing. Written public comments may be submitted via email (visit  
27 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a  
28 letter referencing Docket Number W-02450A-07-0290, 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

1 by law to intervene and having a direct and substantial interest in the matter  
 2 will be permitted to intervene. If you would like to intervene, you must file a  
 3 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:

- 4 1. Your name, address, and telephone number, and the name, address, and  
 5 telephone number of any party upon whom documents are to be served in  
 your place, if desired;
- 6 2. A short statement of your interest in the proceeding (e.g., a customer of the  
 Company, a shareholder of the Company, etc.); and
- 7 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.

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
 9 except that all motions to intervene must be filed on or before **January 4, 2008**.  
 10 The granting of intervention, among other things, entitles a party to present sworn  
 evidence at hearing and to cross-examine other witnesses. However, failure to  
 11 intervene will not preclude any person or entity from appearing at the hearing and  
making a statement on their own behalf.

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

15 The Commission does not discriminate on the basis of disability in admission to  
 its public meetings. Persons with a disability may request a reasonable  
 16 accommodation such as a sign language interpreter, as well as request this  
 document in an alternative format, by contacting the ADA Coordinator Linda  
 17 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.

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

22 IT IS FURTHER ORDERED that WUGT shall **file certification of publication/ mailing** as  
 23 soon as practicable after the mailing/publication has been completed, but not later than **January 10,**  
 24 **2008**.

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

1 IT IS FURTHER ORDERED that Staff shall file a **Staff Report in this matter** on or before  
2 **December 20, 2007.**

3 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or  
4 before **January 10, 2008.**

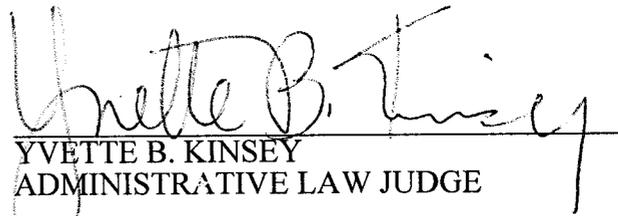
5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
6 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

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

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

19 Dated this 27<sup>th</sup> day of November, 2007.

21  
22   
23 YVETTE B. KINSEY  
24 ADMINISTRATIVE LAW JUDGE  
25  
26  
27  
28

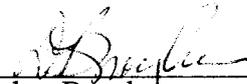
1 Copies of the foregoing mailed/delivered  
this 27<sup>th</sup> day of November, 2007 to:

2 Michael W. Patten  
3 Timothy J. Sabo  
4 ROSHKA, DEWULF & PATTEN, PLC  
5 One Arizona Center  
6 400 E. Van Buren, Suite 800  
7 Phoenix, AZ 85004  
8 Attorneys for Water Utility of Greater Tonopah

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 Street  
18 Phoenix, AZ 85007

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

22 By:   
23 Debra Broyles  
24 Secretary to Yvette B. Kinsey  
25  
26  
27  
28