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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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

2007 DEC 10 A 10:49
 AZ CORP COMMISSION
 DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
 BACA FLOAT WATER COMPANY FOR AN
 EXTENSION OF ITS CERTIFICATE OF
 CONVENIENCE AND NECESSITY.

DOCKET NO. WS-01678A-07-0459

PROCEDURAL ORDER

BY THE COMMISSION:

On August 2, 2007, Baca Float Water Company ("BFWC" or "Company") filed with the Arizona Corporation Commission ("Commission") an Application for an Extension of its Certificate of Convenience and Necessity ("CCN" or "Certificate") to provide sewer service in Santa Cruz County, Arizona.

On August 31, 2007, the Commission's Utilities Division Staff ("Staff") notified the Company that its application was not sufficient pursuant to the Arizona Administrative Code.

On October 30, 2007, BFWC responded to Staff's Insufficiency Letter.

On November 30, 2007, Staff notified the Company that its Application is sufficient pursuant to the Arizona Administrative Code.

Accordingly, the matter should be set for hearing.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **February 20, 2008, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, **Room 222, 400 West Congress Street, Tucson, Arizona 85701.**

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 **February 6, 2008.**

IT IS FURTHER ORDERED that BWFC shall serve public notice of the hearing in this matter in the following form and style:

**PUBLIC NOTICE OF HEARING ON APPLICATION BY
BACA FLOAT WATER COMPANY FOR EXTENSION OF
ITS CERTIFICATE OF CONVENIENCE AND NECESSITY
DOCKET NO. WS-01678A-07-0459**

On August 2, 2007, Baca Float Water Company ("Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("Certificate"). If the application is granted the Company would be the exclusive provider of sewer service within the requested extension area, and would be required to provide service on the terms and conditions as established by the Commission.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and in Tucson, at 400 West Congress Street Suite 218, Tucson, Arizona, and at the offices of the Applicant, [APPLICANT INSERT ADDRESS]. The application is also available on the Commission's website, www.azcc.gov, using the e-Docket link.

The Commission will hold a hearing on this matter on **February 20, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, **Room 222, 400 West Congress Street, Tucson, Arizona 85701.**

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding. Intervention will be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 6, 2008**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicant or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 6, 2008**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. 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 intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact Applicant at [APPLICANT insert contact name, address and telephone number]. If you want

1 further information on intervention or have questions on how to file comments, you
2 may contact the Consumer Services Section of the Commission at 1200 West
3 Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

4 The Commission does not discriminate on the basis of disability in admission to its
5 public meetings. Persons with a disability may request a reasonable accommodation
6 such as a sign language interpreter, as well as request this document in an alternative
7 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
8 3931, E-mail: LHogan@azcc.gov. Requests should be made as early as possible to
9 allow time to arrange the accommodation.

10 IT IS FURTHER ORDERED that BFWC shall publish the above notice in a newspaper of
11 general circulation within the proposed extended service territory and shall mail to each property
12 owner in the requested service territory a copy of this notice by first-class U.S. Mail, to begin as soon
13 as possible and to be completed on or before **January 23, 2008**.

14 IT IS FURTHER ORDERED that BFWC shall file certifications of mailing and publication as
15 soon as practicable after the mailing and publication have been completed.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
17 publication, notwithstanding the failure of an individual customer to read or receive the notice.

18 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to
19 be presented at the hearing on or before **January 28, 2008**.

20 IT IS FURTHER ORDERED that **any objection or response** by the Applicant or Intervenors
21 to the Staff Report shall be made in writing and filed on or before **February 13, 2008**.

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

24 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
25 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

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

3 DATED this 7th day of December, 2007.

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5 
6 BELINDA A. MARTIN
7 ADMINISTRATIVE LAW JUDGE

8
9 Copies of the foregoing mailed
this 7th day of December, 2007 to:

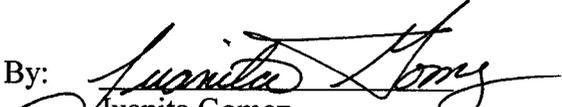
10 Mr. Jeffrey W. Crockett, Esq.
11 Ms. Marcie A. Shuman, Esq.
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14 Mr. Gary Brasher
15 BACA FLOAT WATER COMPANY
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17 Mr. Christopher Kempley, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

20 Mr. Ernest Johnson, Director
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

23 ARIZONA REPORTING SERVICE, INC.
24 2200 North Central Avenue, Suite 502
Phoenix, Arizona 85004-1481

25
26 By: 
27 Juanita Gomez
Secretary to Belinda A. Martin