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BEFORE THE ARIZONA CORPORATION COMMISSION  
Arizona Corporation Commission

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

JAN 29 2008

DOCKETED BY  
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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
KINGS RANCH UNIT II TREATMENT PLANT  
FOR APPROVAL TO SELL ITS ASSETS AND  
TO CANCEL ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. SW-02573A-07-0650

IN THE MATTER OF THE ESTABLISHMENT  
OF THE KINGS RANCH UNIT II DOMESTIC  
WASTEWATER IMPROVEMENT DISTRICT.

DOCKET NO. SW-20492A-06-0766

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 8, 2006, Docket No. SW-20492A-06-0766 ("Improvement District Case") was opened by the Arizona Corporation Commission ("Commission") *In the Matter of the Establishment of the Kings Ranch Unit 2 Domestic Wastewater Improvement District.*

On December 13, 2006, the Yavapai County Board of Supervisors filed an Order of Establishment for the Kings Ranch Unit 2 Wastewater Improvement District ("District"), located in Black Canyon City, Arizona.

On November 6, 2007, Kings Ranch Unit II Treatment Plant ("Kings Ranch") filed with the Commission in Docket No. SW-02573A-07-0650 ("Asset Sale Case") an application for approval to sell its assets to the District and to cancel its Certificate of Convenience and Necessity ("CC&N") to provide wastewater treatment service.

On December 13, 2007, Kings Ranch filed an Affidavit of Publication in the Asset Sale Case.

On December 14, 2007, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in the Asset Sale Case indicating that the application met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On December 19, 2007, a Procedural Order was issued scheduling a hearing for February 4, 2008, in the Asset Sale Case, ordering Kings Ranch to mail notice to property owners and publish notice of the hearing, and establishing other procedural filing dates.

1 On December 21, 2007, Staff filed a Motion to Extend Time to file its Staff Report until  
2 February 7, 2008, to change the due dates for intervention and other procedural deadlines, and to  
3 reschedule the hearing for March 13, 2008. Staff's Motion indicated that Kings Ranch was agreeable  
4 to the requested extension.

5 On December 21, 2007, Staff filed a Motion to Consolidate the above-captioned dockets,  
6 pursuant to A.A.C. R14-3-109(H).

7 By Procedural Order issued January 3, 2008, the above-captioned dockets were consolidated,  
8 the hearing in the consolidated cases was rescheduled for March 13, 2008, and other procedural  
9 deadlines were established. In addition, Kings Ranch was directed to amend the Notice set forth in  
10 the December 19, 2007 Procedural Order to reflect the revised hearing date and procedural schedule,  
11 and to mail and publish the Notice in accordance with the Procedural Orders' directives.

12 On January 29, 2008, the Commission's Hearing Division received from the principals of  
13 Kings Ranch (Philip and Jeane Albins) a single copy of the revised Notice<sup>1</sup> ordered by the December  
14 19, 2007, and January 3, 2008, Procedural Orders. However, the Notice did not contain an affidavit  
15 indicating whether Kings Ranch had complied with the mailing and publication requirements  
16 contained in the prior Procedural Orders. In addition, the filing failed to include the requisite original  
17 and 13 copies in accordance with the Commission's procedural rules.

18 IT IS THEREFORE ORDERED that, in accordance with the December 19, 2007, and January  
19 3, 2008, Procedural Orders, **Kings Ranch shall comply with the mailing and publication**  
20 **requirements by no later than February 7, 2008 (if it has not already done so), and shall file**  
21 **certification of mailing and publication by February 29, 2008. The original and 13 copies of the**  
22 **certification of mailing and publication shall be submitted to the Commission's Docket Control**  
23 **Division, 1200 West Washington, Phoenix, Arizona 85007. The filing shall include a**  
24 **designation of the above-captioned consolidated docket numbers.**

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
26 Communications) continues to apply to this consolidated proceeding.

27 ...

28 <sup>1</sup> The Hearing Division made 13 copies of the document and filed it with the Commission's Docket Control Division on January 29, 2008.

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

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

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

12 DATED this 29<sup>th</sup> day of January, 2008.

13  
14   
15 \_\_\_\_\_  
16 DWIGHT D. NODES  
17 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

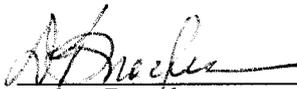
18 Copies of the foregoing mailed/delivered  
19 this 29<sup>th</sup> day of January, 2008 to:

19 Philip Albins  
20 KINGS RANCH UNIT II  
21 TREATMENT PLANT  
P.O. Box 109  
Black Canyon City, Arizona 85324

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

22 Virginia Gray  
23 KINGS RANCH UNIT II WASTEWATER  
24 IMPROVEMENT DISTRICT  
P.O. Box 1555  
Black Canyon City, Arizona 85324

25 Christopher Kempley, Chief Counsel  
26 Legal Division  
27 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

By:   
Debra Broyles  
Secretary to Dwight D. Nodes