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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

25H

COMMISSIONERS

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

2008 FEB -1 P 2:40

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED

FEB -1 2008

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ANTELOPE LAKES SEWER, L.L.C. FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER SERVICES IN YAVAPAI COUNTY, ARIZONA.

DOCKET NO. SW-20510A-07-0062

PROCEDURAL ORDER

BY THE COMMISSION:

On January 29, 2007, Antelope Lakes Sewer, L.L.C. ("Company" or "Applicant"), filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public sewer utility service to various parts of Yavapai County, Arizona.

On February 22, 2007, the Commission's Utilities Division ("Staff") issued a Notice of Insufficiency which indicated that the Company's application had not met the sufficiency requirements of A.A.C. R14-2-610(C).

On January 30, 2008, Staff issued a Notice of Sufficiency.

In accordance with A.R.S. § 41-1074(A), the application herein is deemed administratively complete.

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

IT IS THEREFORE ORDERED that a hearing shall commence on March 27, 2008, at 9:30 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on March 5, 2008.

1 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
2 **exhibits** to be presented at hearing by Applicant shall be reduced to writing and filed on or before  
3 **4:00 p.m. on March 17, 2008.**

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
5 105, except that all motions to intervene must be filed on or before **March 14, 2008.**

6 IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this  
7 matter, in the following form and style:

8 **PUBLIC NOTICE OF THE HEARING FOR**  
9 **ANTELOPE LAKES SEWER, L.L.C., FOR A**  
10 **CERTIFICATE OF CONVENIENCE AND NECESSITY.**  
11 **(DOCKET NO. SW-20510A-07-0062)**

12 On January 29, 2007, Antelope Lakes Sewer, L.L.C. ("Applicant") filed an application  
13 for a Certificate of Convenience and Necessity to provide sewer service to various  
14 parts of Yavapai County, Arizona.

15 The application is available for inspection during regular business hours at the offices  
16 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona  
17 and at the Applicant's office, [insert office address].

18 The Commission will hold a hearing on this matter commencing on **March 27,**  
19 **2008, at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street,  
20 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

21 The law provides for an open public hearing at which, under appropriate  
22 circumstances, interested parties may intervene. Intervention shall be permitted to  
23 any person entitled by law to intervene and having a direct and substantial interest in  
24 the matter. Persons desiring to intervene must file a written motion to intervene with  
25 the Commission, which motion should be sent to Applicant or its counsel and to all  
26 parties of record, and which, at the minimum, shall contain the following:

- 27 1. The name, address, and telephone number of the proposed intervenor and of  
28 any party upon whom service of documents is to be made if different than the  
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
a customer of Applicant, a shareholder of Applicant, a competitor, 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 March 14, 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

1 other witnesses. However, failure to intervene will not preclude any customer from  
2 appearing at the hearing and making a statement on such customer's own behalf.

3 If you have any questions or concerns about this application or have any objections  
4 to its approval, or wish to make a statement in support of it, you may write the  
5 Consumer Services Section of the Commission at 1200 West Washington Street,  
6 Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make  
7 comment.

8 The Commission does not discriminate on the basis of disability in admission to its  
9 public meetings. Persons with a disability may request a reasonable accommodation  
10 such as a sign language interpreter, as well as request this document in an alternative  
11 format, by contacting Linda Hogan, ADA Coordinator, voice phone number (602)  
12 542-3931, E-mail [LHogan@cc.state.az.us](mailto:LHogan@cc.state.az.us). Requests should be made as early as  
13 possible to allow time to arrange the accommodation.

14 IT IS FURTHER ORDERED that Applicant shall cause the above **notice to be published** at  
15 least once in a newspaper of general circulation in its service territory, with publication to be  
16 completed no later than **February 29, 2008**

17 IT IS FURTHER ORDERED that Applicant shall file certification of publication as soon as  
18 practicable after the publication has been completed.

19 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,  
20 notwithstanding the failure of an individual customer to read or receive the notice.

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 practice of law and admission *pro*  
23 *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 ...  
...

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 15<sup>th</sup> day of February, 2008.

4  
5  
6   
7 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 15<sup>th</sup> day of February, 2008 to:

10 Paul Levie, President  
11 ANTELOPE LAKES SEWER, L.L.C.  
2465 Shane Drive  
Prescott, Arizona 86305

12 Christopher Kempley, Chief Counsel  
13 Legal Division  
ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
Phoenix, Arizona 85007

15 Ernest Johnson, Director  
16 Utilities Division  
ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
Phoenix, Arizona 85007

18 ARIZONA REPORTING SERVICE, INC.  
19 2200 North Central Avenue, Suite 502  
Phoenix, Arizona 85004-1481

20 By:   
21 Debra Broyles  
22 Secretary to Marc Stern  
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27  
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