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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2008 FEB 28 P 4: 15

AZ CORP COMMISSION
DOCKET CONTROL

STAFF OF THE UTILITIES DIVISION,
COMPLAINANT,

VS.

AMERICAN REALTY AND MORTGAGE CO.,
INC., DBA HACIENDA ACRES WATER
SYSTEM,

RESPONDENT.

DOCKET NO. W-02258A-07-0470

Arizona Corporation Commission

DOCKETED

FEB 28 2008

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PROCEDURAL ORDER

BY THE COMMISSION:

On August 13, 2007, the Arizona Corporation Commission's ("Commission") Utilities Division Staff ("Staff") filed a memorandum with the Commission's Docket Control Center requesting that a docket be opened in the above-captioned matter.

On August 13, 2007, Staff filed a Complaint and Petition for an Order to Show Cause ("Complaint") against American Realty and Mortgage Co., Inc., dba Hacienda Acres Water System ("American Realty and Mortgage").

On August 23, 2007, the Commission issued Decision No. 69865 which ordered American Realty and Mortgage to appear and show cause why the Commission should not make findings and orders on the enumerated counts; ordered American Realty and Mortgage, if it intended to appear and show cause as ordered, to file preliminary statement describing how it will respond to the Order to Show Cause and an Answer to the Complaint; and ordered the Hearing Division to schedule further appropriate proceedings.

By Procedural Order issued November 7, 2007, the hearing in this matter was scheduled to commence on February 8, 2008.

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1 On February 8, 2008, the hearing commenced as scheduled, but was continued pending filing
2 of testimony and exhibits by the parties.

3 IT IS THEREFORE ORDERED that Staff's pre-filed direct testimony and exhibits shall be
4 reduced to writing and filed on or before March 7, 2008.

5 IT IS FURTHER ORDERED that American Realty and Mortgage's prefiled testimony and
6 exhibits shall be reduced to writing and filed on or before April 4, 2008.

7 IT IS FURTHER ORDERED that a subsequent Procedural Order will be issued scheduling a
8 procedural conference.

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

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

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

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

23 DATED this 28th day of February, 2008.

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26 
27 LYN FARMER
28 CHIEF ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 28th day of February, 2008 to:

3 Alma R. Lee, Jr.
4 AMERICAN REALTY & MORTGAGE CO., INC.
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By: 
Debbi Person
Secretary to Lyn Farmer