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BEFORE THE ARIZONA CORPORATION COMMISSION

2008 MAY 30 P 12: 01

COMMISSIONERS

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

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY 30 2008

DOCKETED BY *VB*

IN THE MATTER OF THE APPLICATION OF SAHUARITA WATER COMPANY L.L.C. FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-03718A-07-0687

PROCEDURAL ORDER

BY THE COMMISSION:

On December 14, 2007, Sahuarita Water Company L.L.C. ("SWC" 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 water service in Pima County, Arizona.

On January 14, 2008, the Commission's Utilities Division Staff ("Staff") notified the Company that its application was not sufficient pursuant to the Arizona Administrative Code ("Insufficiency Letter").

On March 14, 2008, SWC responded to Staff's Insufficiency Letter.

On April 9, 2008, Staff filed a second Insufficiency Letter.

On April 29, 2008, SWC responded to Staff's second Insufficiency Letter.

On May 2, 2008, SWC filed Amendments to the Application.

On May 27, 2008, 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 **August 7, 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.**

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
2 105, except that all motions to intervene must be filed on or before **July 24, 2008**.

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

5
6 **PUBLIC NOTICE OF HEARING ON APPLICATION BY**
7 **SAHUARITA WATER COMPANY L.L.C. FOR EXTENSION OF**
8 **ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
9 **DOCKET NO. W-03718A-07-0687**

10 On December 12, 2007, Sahuarita Water Company L.L.C. ("Company") filed an
11 application with the Arizona Corporation Commission ("Commission") for an
12 extension of its Certificate of Convenience and Necessity ("Certificate"). If the
13 application is granted the Company would be the exclusive provider of water service
14 within the requested extension area, and would be required to provide service on the
15 terms and conditions as established by the Commission.

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

21 The Commission will hold a hearing on this matter on **August 7, 2008, at 10:00 a.m.**,
22 or as soon thereafter as is practical, at the Commission's Tucson offices, **Room 222,**
23 **400 West Congress Street, Tucson, Arizona 85701.**

24 The law provides for an open public hearing at which, under appropriate
25 circumstances, interested persons may intervene in the proceedings and participate as
26 a party. Persons desiring to intervene must file a written motion to intervene with the
27 Commission and send such motion to Applicant or its counsel and to all parties of
28 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 July 24, 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>.

1 The granting of intervention, among other things, entitles a party to present sworn
2 evidence at hearing and to cross-examine other witnesses. However, failure to
3 intervene will not preclude any customer from appearing at the hearing and making a
4 statement on such customer's own behalf.

5 If you have any questions about this application, you may contact Applicant at
6 [APPLICANT insert contact name, address and telephone number]. If you want
7 further information on intervention or have questions on how to file comments, you
8 may contact the Consumer Services Section of the Commission at 1200 West
9 Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

10 The Commission does not discriminate on the basis of disability in admission to its
11 public meetings. Persons with a disability may request a reasonable accommodation
12 such as a sign language interpreter, as well as request this document in an alternative
13 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
14 3931, E-mail: LHogan@azcc.gov. Requests should be made as early as possible to
15 allow time to arrange the accommodation.

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

20 IT IS FURTHER ORDERED that SWC shall file certifications of mailing and publication as
21 soon as practicable after the mailing and publication have been completed.

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

24 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to
25 be presented at the hearing on or before **4:00 p.m., July 17, 2008**.

26 IT IS FURTHER ORDERED that **any objection or response** by the Applicant or Intervenors
27 to the Staff Report shall be made in writing and filed on or before **July 31, 2008**.

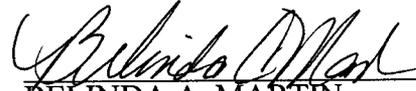
28 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

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 29th day of May, 2008.

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6 
7 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed
9 this 29th day of May, 2008 to:

10 Lawrence V. Robertson, Esq.
11 Attorney at Law
12 P.O. Box 1448
13 Tubac, Arizona 85646
14 Counsel for Applicant

15 Janice Alward, Chief Counsel
16 Legal Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 Ernest Johnson, Director
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
23 1200 West Washington Street
24 Phoenix, Arizona 85007

25 ARIZONA REPORTING SERVICE, INC.
26 2200 North Central Avenue, Suite 502
27 Phoenix, Arizona 85004-1481

28
By: 
Jenny Gomez
Secretary to Belinda A. Martin