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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION
OF YARNELL WATER IMPROVEMENT
ASSOCIATION, INC. FOR A PERMANENT
RATE INCREASE.

DOCKET NO. W-02255A-07-0570

RATE CASE
PROCEDURAL ORDER

BY THE COMMISSION:

On October 5, 2007, Yarnell Water Improvement Association, Inc. ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges.

On November 5, 2007, the Commission's Utilities Division ("Staff") issued a notice of insufficiency pursuant to A.A.C. R14-3-103.

On March 3, 2008, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class C utility.

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 the **hearing** in the above-captioned matter shall commence on **July 22, 2008 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

IT IS FURTHER ORDERED that the **Staff Report** and/or any direct testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before **June 23, 2008**.

IT IS FURTHER ORDERED that any **direct testimony and associated exhibits** to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before **June 23, 2008**.

1 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits** to be
2 presented at hearing by the Company shall be reduced to writing and filed on or before **July 7, 2008**.

3 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits** to be
4 presented by the Staff and/or intervenors shall be reduced to writing and filed on or before **July 14,**
5 **2008**.

6 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
7 presented at the hearing shall be presented orally at the hearing.

8 IT IS FURTHER ORDERED that any **objections to any testimony or exhibits** shall be made
9 on or before **July 21, 2008**.

10 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
11 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
12 scheduled to testify.

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
14 105, except that all motions to intervene must be filed on or before **May 16, 2008**.

15 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
16 regulations of the Commission, except that: any objection to discovery requests shall be made within
17 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt;
18 thereafter, objections to discovery requests shall be made within 5 days and responses shall be made
19 in 7 days; the response time may be extended by mutual agreement of the parties involved if the
20 request requires an extensive compilation effort; and no discovery requests shall be served after May
21 16, 2008.

22 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
23 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
24 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
25 request, a procedural hearing will be convened as soon as practicable; and that the party making such
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27

28 ¹ "Days" means calendar days.

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
2 hearing provide a statement confirming that the other parties were contacted.²

3 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by
4 the Commission within 10 days of the filing date of the motion shall be deemed denied.

5 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
6 the filing date of the motion.

7 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
8 of the response.

9 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
10 this matter, in the following form and style:

11 **PUBLIC NOTICE OF HEARING ON THE RATE APPLICATION**
12 **OF YARNELL WATER IMPROVEMENT ASSOCIATION, INC.**
(Docket No. W-02255A-07-0570)

13 On October 5, 2007, Yarnell Water Improvement Association, Inc. ("Company") filed
14 an application with the Arizona Corporation Commission for an increase in its rates
15 and charges. Copies of the Company's application and proposed tariffs are available at
its office and the Commission's offices for public inspection during regular business
hours.

16 The Commission will hold a public hearing on this matter beginning **July 22, 2008 at**
17 **10:00 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix,
Arizona. Public comments will be taken on the first day of the hearing.

18 The law provides for an open public hearing at which, under appropriate
19 circumstances, interested parties may intervene. Intervention shall be permitted to any
20 person entitled by law to intervene and having a direct and substantial interest in the
21 matter. Persons desiring to intervene must file a written motion to intervene with the
22 Commission no later than **May 16, 2008**. The motion to intervene must be sent to the
23 Company or its counsel and to all parties of record, and shall contain the following:

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

² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 The granting of intervention, among other things, entitles a party to present sworn
2 evidence at the hearing and to cross-examine other witnesses. However, failure to
3 intervene will not preclude any interested person or entity from appearing at the
4 hearing and providing public comment on the application or from filing written
5 comments in the record of the case. You will not receive any further notice of this
6 proceeding unless you request it.

7 If you have any questions about this application, or want further information on
8 intervention, you may contact the Consumer Services Section of the Commission at
9 1200 W. 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 at LHogan@azcc.gov, voice phone number (602)
14 542-3931. Requests should be made as early as possible to allow time to arrange the
15 accommodation.

16 IT IS FURTHER ORDERED that the Company shall provide notice as follows:

- 17 • by **publishing by April 18, 2008**, a copy of the above notice in a newspaper of
18 general circulation in the service area; and
- 19 • by **mailing by April 18, 2008**, a copy of the above notice to each of its
20 customers.

21 IT IS FURTHER ORDERED that the Company shall file certification of the provision of
22 notice as soon as practicable after notice has been completed.

23 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publishing
24 of same, notwithstanding the failure of an individual customer to read or receive the notice.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
26 Communications) applies to this proceeding and shall remain in effect until the Commission's
27 Decision in this matter is final and non-appealable.

28 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.

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

4 DATED this 19TH day of March, 2008.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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9 Copies of the foregoing mailed
this 19th day of March, 2008 to:

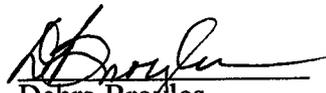
10 Tammy Zudell
11 YARNELL WATER IMPROVEMENT ASSOCIATION, INC.
12 P. O. Box 727
13 Yarnell, Arizona 85362

14 Christopher Kempley, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

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

24 ARIZONA REPORTING SERVICE, INC.
25 2200 North Central Street, Suite 502
26 Phoenix, AZ 85004-1481

27
28
By:


Debra Broyles
Secretary to Marc E. Stern