

**ORIGINAL**



25

**BEFORE THE ARIZONA CORPORATION COMMISSION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COMMISSIONERS

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

2008 APR 25 P 2: 56

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

APAPR 25 2008

DOCKETED BY	
-------------	--

STAFF OF THE UTILITIES DIVISION,

DOCKET NO. W-02258A-07-0470

COMPLAINANT,

VS.

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

RESPONDENT.

**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.

On February 8, 2008, the hearing commenced as scheduled, but was continued pending filing

1 of testimony and exhibits by the parties.

2 On February 28, 2008, by Procedural Order, Staff was order to file its prefiled its testimony  
3 and exhibits by March 7, 2008 and American Realty and Mortgage was ordered to file prefiled  
4 testimony and exhibits by April 4, 2008.

5 On March 7, 2008, Staff filed its testimony and evidence.

6 On March 17, 2008, Mr. Joseph W. Lee filed a Request to Withdraw as Attorney for the  
7 corporation known as American Realty and Mortgage Company, Inc. ("Request"). The Request was  
8 granted pursuant to our Procedural Order dated March 31, 2008.

9 To date, American Realty and Mortgage has not filed its prefiled testimony and exhibits.  
10 Accordingly, Staff should file a recommendation as to how the Commission should proceed in this  
11 matter, including any recommended dates to reconvene the hearing.

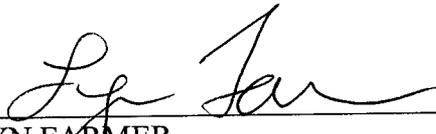
12 IT IS THEREFORE ORDERED that Staff shall file with Docket Control, by May 6, 2008, a  
13 recommendation on how to proceed in this matter.

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

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

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

22 DATED this 25<sup>th</sup> day of April, 2008.

23  
24  
25   
26 LYN FARMER  
27 CHIEF ADMINISTRATIVE LAW JUDGE  
28

1 Copies of the foregoing mailed/delivered  
2 this 25<sup>th</sup> day of April, 2008 to:

3 Alma R. Lee, Jr.  
4 AMERICAN REALTY & MORTGAGE CO., INC.  
5 P.O. Box 232  
6 Wittman, AZ 85361

7 Christopher Kempley, Chief Counsel  
8 Legal Division  
9 ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
11 Phoenix, AZ 85007

12 Ernest G. Johnson, Director  
13 Utilities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1200 West Washington Street  
16 Phoenix, AZ 85007

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
By:   
Debbi Person  
Secretary to Lyn Farmer