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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

DOCKETED BY *NR*

IN THE MATTER OF THE APPLICATION OF NORTHERN SUNRISE WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20453A-06-0247

IN THE MATTER OF THE APPLICATION OF SOUTHERN SUNRISE WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20454A-06-0248

IN THE MATTER OF THE JOINT APPLICATION OF NORTHERN SUNRISE WATER COMPANY AND SOUTHERN SUNRISE WATER COMPANY FOR THE APPROVAL OF SALE AND TRANSFER OF WATER UTILITY ASSETS, AND CANCELLATION OF CERTIFICATES OF CONVENIENCE AND NECESSITY, FOR MIRACLE VALLEY WATER COMPANY, COCHISE WATER COMPANY, HORSESHOE RANCH WATER COMPANY, CRYSTAL WATER COMPANY, MUSTANG WATER COMPANY, CORONADO ESTATES WATER COMPANY, AND SIERRA SUNSET WATER COMPANY, LOCATED IN COCHISE COUNTY, ARIZONA.

- DOCKET NOS. W-20453A-06-0251
- W-20454A-06-0251
- W-01646A-06-0251
- W-01868A-06-0251
- W-02235A-06-0251
- W-02316A-06-0251
- W-02230A-06-0251
- W-01629A-06-0251
- W-02240A-06-0251

PROCEDURAL ORDER

BY THE COMMISSION:

In Decision No. 68826 (June 29, 2006), the Arizona Corporation Commission ("Commission") approved the sale and transfer of assets, and cancellation of Certificates of Convenience and Necessity ("CC&N"), of Miracle Valley Water Company, Cochise Water Company, Horseshoe Ranch Water Company, Crystal Water Company, Mustang Water Company, Coronado Estates Water Company and Sierra Sunset Water Company (collectively "McLain Water Systems") to Northern Sunrise Water Company and Southern Sunrise Water Company (collectively "Applicants").

1 In Decision No. 68826 the Commission acknowledged that the McLain Water Systems might
2 be serving customers outside of their certificated boundaries and that it might make sense for
3 Applicants to extend their CC&N boundaries to include these customers as well as other properties
4 that are reasonable and logical. The Commission ordered the Applicants to file by December 31,
5 2007, "applications for approval to extend their CC&Ns to areas being served outside of the CC&N
6 approved in this case."

7 On January 3, 2008, Applicants filed a "Compliance with Decision No. 68826." By their
8 filing, Applicants seek to amend their CC&Ns pursuant to Decision No. 68826.

9 By Procedural Order dated February 28, 2008, the matter was set for hearing on July 8, 2008,
10 and the Applicants were ordered to mail notice to the affected property owners.

11 On April 29, 2008, Applicants filed a Notice of Filing Proof of Publication and Mailing,
12 indicating they mailed notice to affected property owners on April 18, 2008 and April 24, 2008.

13 In response to the notice, the Commission has received a large number of requests from
14 property owners to have their property excluded from the proposed extension area. Further, it
15 appears from letters and phone calls received from property owners, there is some confusion in the
16 community about the effect of the application. Consequently, the Commission believes that it is in the
17 public interest to hold a public comment meeting in the local community to hear the concerns of
18 potentially affected property owners.

19 IT IS THEREFORE ORDERED that a **Public Comment meeting** shall commence on **June**
20 **23, 2008, at 4:30 p.m.**, or as soon thereafter as is practical, at the **Windermere Hotel, 2047 S.**
21 **Highway 92, Sierra Vista, Arizona 85635.**

22 IT IS FURTHER ORDERED that the deadline to intervene shall be extended until July 1,
23 2008.

24 IT IS FURTHER ORDERED that the deadline for Staff to file its Staff Report shall be
25 extended until June 27, 2008.

26 IT IS FURTHER ORDERED that any responses to the Staff Report by Applicants or
27 intervenors shall be filed by July 3, 2008.

28

1 IT IS FURTHER ORDERED that Applicants shall serve notice of the public comment in the
2 following form, type size and style:

3 **NOTICE OF PUBLIC COMMENT**
4 **ON APPLICATION BY**
5 **NORTHERN SUNRISE WATER COMPANY AND**
6 **SOUTHERN SUNRSIE WATER COMPANY FOR**
7 **EXTENSION OF THEIR**
8 **CERTIFICATES OF CONVENIENCE AND NECESSITY**
9 **DOCKET NO. W-20453A-06-0247**
10 **DOCKET NO. W-20454A-06-0248**

11 On January 11, 2007, Northern Sunrise Water Company and Southern Sunrise Water
12 Company (collectively "Applicants") filed an application with the Arizona
13 Corporation Commission ("Commission") for an extension of their Certificates of
14 Convenience and Necessity ("Certificate") in Cochise County, Arizona.

15 **THE COMMISSION WILL HOLD A PUBLIC COMMENT MEETING ON**
16 **THE APPLICATION ON JUNE 23, 2008, AT 4:30 p.m., AT THE**
17 **WINDERMERE HOTEL, 2047 S. HIGHWAY 92, SIERRA VISTA, ARIZONA**
18 **85635.**

19 You received notice previously about the hearing on this matter set to commence on
20 **July 8, 2008 at 10:00 a.m.**, at the Commission's Tucson offices, **Room 222, 400**
21 **West Congress St., Tucson, Arizona 85701.** If the application is granted the
22 Applicants would be the exclusive providers of water service within the requested
23 extension areas, and would be required to provide service on the terms and conditions
24 as established by the Commission. **IF YOU PREVIOUSLY REQUESTED TO HAVE**
25 **YOUR PROPERTY EXCLUDED FROM THE PROPOSED SERVICE AREA,**
26 **YOUR PROPERTY WILL NOT AUTOMATICALLY BE EXCLUDED, BUT**
27 **RATHER THE COMMISSION WILL DECIDE BASED ON ALL THE EVIDENCE**
28 **IN THE RECORD WHICH AREAS WILL BE INCLUDED AND WHICH WILL**
NOT. HOWEVER, IF THE APPLCIATION IS APPROVED, PROPERTY
OWNERS WITH PERSONAL WELLS WILL NOT BE REQUIRED TAKE
SERVICE FROM APPLICANTS OR TO DISCONNECT FROM THEIR
WELLS TO BECOME CUSTOMERS OF THE APPLICANTS.

Interested persons may intervene in the proceedings and participate as a party. **The**
21 **deadline to file a request to intervene has been extended until July 1, 2008.**
22 Persons desiring to intervene must file a written motion to intervene, plus 15 copies,
23 with the Commission and send a copy of the motion to Applicants or their counsel
24 and to all parties of record. The motion must, at the minimum, contain the following:

- 25 1. The name, address, and telephone number of the proposed intervenor and of
26 any party upon whom service of documents is to be made if different from
27 that of the intervenor.
- 28 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.

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If you have any questions about this application, you may contact Applicants at Algonquin Water, c/o Greg Sorensen, 12725 W. Indian School Road, Suite D-101, Avondale, AZ 85392, (866) 681-4506.42-3931. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/543-3931, E-mail LHogan @azcc.gov. Request should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicants shall mail to each property owner in the requested service territory a copy of this notice by **first-class U.S. Mail**, to begin as soon as possible and to be completed on or before **June 13, 2008**.

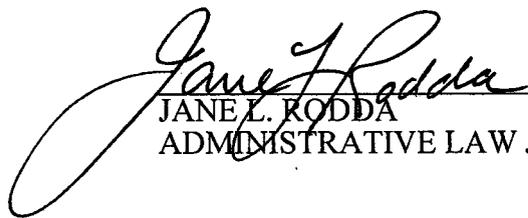
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding.

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*.

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 the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 3rd day of June, 2008.


JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed
2 this 3rd day of June 2008 to:

3 Mr. Jay Shapiro
4 Mr. Patrick Black
5 FENNEMORE CRAIG, PC
6 3003 North Central Avenue, Suite 2600
7 Phoenix, Arizona 85012
8 Attorneys for Applicants

9 Mr. Steven Cockrum
10 5328 Corral Dr.
11 Hereford, Arizona 85635

12 Ms. Sharron L. Arcand
13 Mr. Raymond E. Baltrus
14 5906 S. Kino Road
15 Hereford, Arizona 85615-8901

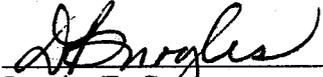
16 Ms. Charlotte L. Borghardt
17 Mr. Paul Goetz
18 P.O. Box 1126
19 Sierra Vista, Arizona 85636

20 Mr. David Lease
21 Mrs. Jennifer Lease
22 6356 South Kino Rd.
23 Hereford, Arizona 85615

24 Ms. Janice Alward, Chief Counsel
25 Legal Division
26 ARIZONA CORPORATION COMMISSION
27 1200 West Washington Street
28 Phoenix, Arizona 85007

Mr. Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

25 By: 
26 *for* Juanita E. Gomez
27 Secretary to Jane L. Rodda