

ORIGINAL



MOYES SELLERS & S



0000085981

04WA

JEFFREY C. ZIMMERMAN • 602-604-2111 • jczimmerman@lawms.com
1850 N. Central Ave., #1100 • Phoenix, AZ 85004 • fax 602.274.9135

June 16, 2008

Arizona Corporation Commission
DOCKETED

JUN 17 2008

Docket Control Center
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

DOCKETED BY	<i>MW</i>
-------------	-----------

Re: Docket No. W-04074A-08-0094 / Del Rio Water Company / Certification of Mailing and Publication of Notice and Hearing

Dear Sir or Madam:

I am filing herewith certification of mailing and publication of the notice of hearing in this matter. Publication on June 2, 2008, was timely in accordance with the Procedural Order in this matter that required publication by June 1, since June 1 was a Sunday.

Please let me know if you have any questions.

Sincerely,

Jeffrey C. Zimmerman

JCZ/lkk

Enclosures

cc: Tom Wick, Manager, Del Rio Water Company
Kevin Nagai, Manager, Del Rio Water Company

AZ CORP COMMISSION
DOCKET CONTROL

2008 JUN 17 P 12:15

RECEIVED

CERTIFICATE OF MAILING

I, LuAnn Kay Kornegay, attest that the attached legal notice was mailed to the following addresses today, May 29, 2008.

The Bond Ranch at Del Rio Springs, LLC
c/o Base Capital
411 108th Avenue NE #1970
Bellevue, WA 98004

Del Rio Apartments
c/o Base Capital
411 108th Avenue NE #1970
Bellevue, WA 98004

A handwritten signature in cursive script, reading "LuAnn Kay Kornegay", is written over a horizontal line. The signature is fluid and extends slightly to the left and right of the line.

PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO WATER COMPANY, LLC, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA.

(Docket No. W-04074A-08-0094)

On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide domestic water service. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding Del Rio's application, and the Commission is not bound by the proposals made by Del Rio, Staff, or any intervenors. The Commission will issue a decision regarding Del Rio's application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application are available at Del Rio's offices, c/o Kevin Nagai, 411 108th Avenue NE, Suite 1970, Bellevue, Washington, 98004 and the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter beginning July 28, 2008, at 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. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions, or by mailing a letter referencing Docket Number W-0407a-08-0094 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company 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 7, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a statement on their own behalf.

If you have any questions about this application, you may contact Del Rio, attention Kevin Nagai, at 425-646-3030. If you wish to file written comments on the application or want further information on intervention you may contact the Consumer Services Section of the Commission at 1200 W. Washington St., Phoenix, AZ 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 the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

LuAnn Kornegay

From: jczimmerman@cox.net
Sent: Wednesday, May 28, 2008 3:04 PM
To: LuAnn Kornegay
Subject: Del Rio notice

Please mail copies of that notice of hearing to The Bond Ranch at Del Rio Springs, LLC, and to Del Rio Apartments no later than Friday. I think they're both at the same Base Capital address, and do up a little mailing certificate showing you mailed it to both of them and the date. Just hang onto the certificate and we'll file it with the ACC when we receive proof of publication back from the paper. Thanks! Please let me know when they have been mailed.

ORIGINAL

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

RECEIVED

2008 MAY 12 A 11:45

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

MAY 12 2008

DOCKETED BY
nr

25H

IN THE MATTER OF THE APPLICATION
OF DEL RIO WATER COMPANY, LLC,
FOR A CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WATER
SERVICE IN YAVAPAI COUNTY,
ARIZONA.

DOCKET NO. W-04074A-08-0094

PROCEDURAL ORDER

BY THE COMMISSION:

On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide water service to approximately 3,000 acres in the Town of Chino Valley in Yavapai County, Arizona.

On February 25, 2008, Del Rio docketed Proof of Notice of the Application.

On March 5, 2008, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter indicating that the application had not met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

On March 21, 2008, Del Rio docketed additional information in support of its application.

On April 15, 2008, Del Rio filed supplemental information on its application.

On April 21, 2008, Staff filed a Sufficiency Letter in this docket.

On April 29, 2008, by Procedural Order, a hearing was scheduled to begin on June 9, 2008, and other procedural deadlines were established.

On May 1, 2008, Staff filed a Request for Extension of Time to file its Staff Report. Staff's request explained that the assigned Staff in this matter is unavailable and that currently no indication can be provided as to a time when the Staff member will return to work. Staff requested an extension

1 of time until June 30, 2008, to file its Staff Report and that the June 9, 2008 hearing, be reset to a
2 time that would be consistent with the filing of the Staff Report.

3 No objections to Staff's request have been filed by the Applicant and Staff's request for an
4 extension of time to file its Staff Report is reasonable and should be granted.

5 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter scheduled for
6 June 9, 2008, is hereby rescheduled to begin on July 28, 2008 at 10:00 a.m., or as soon thereafter
7 as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix,
8 Arizona 85007.

9 IT IS FURTHER ORDERED that the Applicant shall disregard the hearing date and
10 publication and mailing directives set forth in the April 29, 2008, Procedural Order.

11 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
12 105, except that all Motions to Intervene must be filed on or before **July 7, 2008**.

13 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
14 later than **July 17, 2008**.

15 IT IS FURTHER ORDERED that Del Rio shall provide public notice of the hearing in this
16 matter, in the following form and style, with the heading no less than 10 point bold type and the body
17 no less than 10 point regular type:

18 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO**
19 **WATER COMPANY, LLC, FOR A CERTIFICATE OF CONVENIENCE AND**
20 **NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA.**
(Docket No. W-04074A-08-0094)

21 On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant")
22 filed with the Arizona Corporation Commission ("Commission") an application for a
23 Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide
24 domestic water service. The Commission's Utilities Division ("Staff") has not yet
25 made a recommendation regarding Del Rio's application, and the Commission is not
26 bound by the proposals made by Del Rio, Staff, or any intervenors. The Commission
27 will issue a decision regarding Del Rio's application following consideration of
28 testimony and evidence presented at an evidentiary hearing. Copies of the application
are available at Del Rio's offices [insert address] and the Commission's offices at
1200 West Washington Street, Phoenix, Arizona, for public inspection during regular
business hours and on the internet via the Commission website (www.azcc.gov) using
the e-docket function.

The Commission will hold a hearing on this matter beginning **July 28, 2008, at 10:00
a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

1 Public comments will be taken on the first day of the hearing. Written public
2 comments may be submitted via email (visit
3 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter
4 referencing Docket Number W-0407a-08-0094 to: Arizona Corporation Commission,
5 Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007.

6 The law provides for an open public hearing at which, under appropriate
7 circumstances, interested parties may intervene. Any person or entity entitled by law
8 to intervene and having a direct and substantial interest in the matter will be permitted
9 to intervene. If you would like to intervene, you must file a written motion to
10 intervene with the Commission, and you must send copies of the motion to the
11 Company or its counsel, and to all parties of record in the case. Your motion to
12 intervene must contain the following:

- 13 1. Your name, address, and telephone number, and the name, address, and
14 telephone number of any party upon whom documents are to be served in your
15 place, if desired;
- 16 2. A short statement of your interest in the proceeding (e.g., a customer of the
17 Company, a shareholder of the Company, etc.); and
- 18 3. A statement certifying that a copy of your motion to intervene has been mailed
19 to the Company or its counsel and to all parties of record in the case.

20 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
21 that all motions to intervene must be filed on or before July 7, 2008. The granting of
22 intervention, among other things, entitles a party to present sworn evidence at hearing
23 and to cross-examine other witnesses. However, failure to intervene will not preclude
24 any person or entity from appearing at the hearing and making a statement on their
25 own behalf.

26 If you have any questions about this application, you may contact Del Rio at [insert
27 **telephone number**]. If you wish to file written comments on the application or want
28 further information on intervention you may contact the Consumer Services Section of
the Commission at 1200 W. Washington St., Phoenix, AZ 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 the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
voice phone number 602/542-3931. Requests should be made as early as possible to
allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Del Rio shall mail to each property owner or property
owner representative in the requested area a copy of the above notice and shall cause the above
notice to be published in a newspaper of general circulation in its service territory, with
publication and mailing to be completed no later than June 1, 2008.

IT IS FURTHER ORDERED that Del Rio shall file certification of mailing and publication
as soon as practicable after the mailing/publication has been completed, but not later than June 30,

1 **2008.**

2 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
3 publication of same, notwithstanding the failure of an individual property owner to read or receive
4 the notice.

5 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **June 30, 2008.**

6 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or
7 before **July 17, 2008.**

8 IT IS FURTHER ORDERED that the time clock in this matter is extended accordingly.

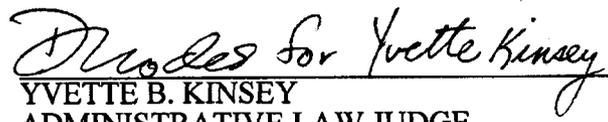
9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
10 Communications) continues to apply to this proceeding as the matter is set for public hearing.

11 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 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 12th day of May 2008.

24
25
26 
27 YVETTE B. KINSEY
28 ADMINISTRATIVE LAW JUDGE

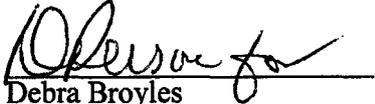
1 Copies of the foregoing mailed/delivered
2 this 12th day of May 2008 to:

3 Jeffrey C. Zimmerman
4 MOYES STOREY, LTD
5 1850 North Central Avenue, Suite 1100
6 Phoenix, AZ 85004
7 Attorneys for Del Rio Water Company, LLC

8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, AZ 85007

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

18 ARIZONA REPORTING SERVICE, INC.
19 2200 North Central Avenue, Suite 502
20 Phoenix, AZ 85004

21 By: 
22 Debra Broyles
23 Secretary to Yvette B. Kinsey
24
25
26
27
28

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA)
County of Yavapai) ss.

I, **Aileen Kemper**, being first duly sworn on her oath says:
That she is the **Classified Coordinator** of **PRESCOTT NEWSPAPERS, INC.**, an Arizona corporation, which owns and publishes the **COURIER**, a Daily Newspaper published in the City of Prescott, County of Yavapai that the notice attached hereto, namely,

PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO WATER COMPANY, LLC, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA. (Docket No. W-04074A-08-0094)

has, to the personal knowledge of affidavit, been published in the news paper aforesaid, according to law, on 2 day of **JUNE**, 2008 to 2 day of **JUNE**, 2008 both inclusive without change, interruption or omission, amounting in all 1 insertions, made on the following dates:
JUNE 2, 2008

By: _____
Dated this 2 Day of **JUNE**, 2008

By: Malia Z Miller
Notary Public

My commission expires:



PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF DEL RIO WATER COMPANY, LLC, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE IN YAVAPAI COUNTY, ARIZONA. (Docket No. W-04074A-08-0094)
On February 15, 2008, Del Rio Water Company, LLC ("Del Rio" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide domestic water service. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding Del Rio's application, and the Commission is not bound by the proposals made by Del Rio, Staff, or any intervenors. The Commission will issue a decision regarding Del Rio's application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application are available at Del Rio's offices, c/o Kevin Nagai, 411 108th Avenue NE, Suite 1970, Bellevue, Washington, 98004 and the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.
The Commission will hold a hearing on this matter beginning July 28, 2008, at 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. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions, or by mailing a letter referencing Docket Number W-04074A-08-0094 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007.
The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:
1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired.
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company 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 7, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a statement on their own behalf.
If you have any questions about this application, you may contact Del Rio, attention Kevin Nagai, at 425-646-3030. If you wish to file written comments on the application or want further information on intervention you may contact the Consumer Services Section of the Commission at 1200 W Washington St., Phoenix, AZ 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 we as request this document in an alternative format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.
1TC PUB June 2, 2008