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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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2 COMMISSIONERS

- 3 MIKE GLEASON, Chairman
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF
9 MOUNT TIPTON WATER CO., INC. FOR AN
10 EMERGENCY RATE INCREASE.

DOCKET NO. W-02105A-08-0262

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On May 23, 2008, Mount Tipton Water Co., Inc. ("Mount Tipton") filed with the Arizona
13 Corporation Commission ("Commission") an application requesting emergency rate relief to increase
14 its cash flow so as to cover operation expenses and increase water availability to its customers.
15 Mount Tipton specifically requested an emergency rate increase of \$10.00 per customer.

16 On June 13, 2008, a Procedural Order was issued scheduling a hearing in this matter for July
17 25, 2008, and establishing other procedural deadlines. Among these was a requirement that Mount
18 Tipton file, by July 14, 2008, a certification that public notice had been mailed and posted in
19 accordance with the Procedural Order.

20 On July 11, 2008, Staff filed its Staff Report, recommending approval of the emergency rate
21 application, with conditions.

22 Mount Tipton did not file a certification regarding public notice by July 14, 2008.

23 On July 21, 2008, a fax was received by the Hearing Division from Judy Morgan, Manager
24 for Mount Tipton, stating that the Procedural Order had not been received; requesting a three-week
25 extension to comply with the posting and mailing deadlines therein; and providing information
26 regarding Mount Tipton's anticipated inability to obtain a bond or letter of credit as Staff
27 recommended in the Staff Report.

28 On July 21, 2008, at the request of the Hearing Division, a telephonic procedural conference
was held in this matter. Mount Tipton appeared through John Janik, President, and Karen Carter,
Treasurer. Staff appeared through counsel. During the procedural conference, Mr. Janik and Ms.

25H

1 Carter stated that Mount Tipton had not received the Procedural Order in the mail; that Mount Tipton
2 had only become aware of the July 25, 2008, hearing date after having received the Staff Report; and
3 that Mount Tipton had not provided any public notice of the hearing date either through mail or
4 posting. Mr. Janik and Ms. Carter also stated that Ms. Morgan has not been authorized to represent
5 Mount Tipton before the Commission and agreed that all future filings from Mount Tipton would be
6 signed by one of them. Mr. Janik requested that all future mailings to Mount Tipton also be sent to
7 his home address. It was announced that the hearing scheduled for July 25, 2008, would be vacated
8 and that another Procedural Order would be issued rescheduling the hearing and establishing other
9 procedural deadlines. Mount Tipton was specifically instructed not to send or post any notice until
10 the new Procedural Order is received. Staff did not object to extending Mount Tipton's deadline for
11 responding to the Staff Report, but requested that the new hearing not be scheduled during the period
12 from August 27, 2008, through September 5, 2008, as Staff's witness is unavailable during that time.

13 Accordingly, it is appropriate to vacate the hearing scheduled for July 25, 2008, and to
14 schedule another hearing date and establish related procedural deadlines.

15 IT IS THEREFORE ORDERED that the **hearing** scheduled for **July 25, 2008**, at 10:00 a.m.
16 is hereby **vacated**.

17 IT IS FURTHER ORDERED that a **hearing** to determine whether an emergency exists
18 pursuant to Arizona Attorney General Opinion No. 71-17 and whether an emergency rate increase
19 should be granted shall commence on **August 25, 2008, at 10:00 a.m.**, or as soon thereafter as is
20 practicable, in Hearing Room #1 at the Commission's offices, 1200 West Washington Street,
21 Phoenix, Arizona 85007.

22 IT IS FURTHER ORDERED that **Mount Tipton shall file its Response** to the Staff Report
23 with the Commission's Docket Control by **August 15, 2008**. However, failure to file a written
24 response will not preclude Mount Tipton from presenting its response verbally at the hearing.

25 IT IS FURTHER ORDERED that **Mount Tipton shall, on or before August 4, 2008**, cause
26 the following **public notice** to be (1) **mailed to each of its customers**, (2) **posted in a conspicuous**
27 **area at its office**, and (3) **posted in a conspicuous area at each of its standpipe locations**.

28 ...

1 **PUBLIC NOTICE OF THE HEARING ON MOUNT TIPTON WATER CO.,**
2 **INC.'S APPLICATION FOR AN EMERGENCY RATE INCREASE**
3 **(Docket No. W-02105A-08-0262)**

4 Mount Tipton Water Co., Inc. has requested that the Arizona Corporation Commission
5 determine whether an emergency rate increase of \$10.00 per customer should be
6 granted. The Commission will determine whether an emergency exists and may,
7 based on the evidence presented at hearing, deny the request or approve an interim rate
8 either higher or lower than that requested by Mount Tipton.

9 The Commission will hold a **public hearing** on this request beginning **August 25,**
10 **2008, at 10:00 a.m.**, in Hearing Room #1 at the Commission's offices, 1200 West
11 Washington Street, Phoenix, Arizona. Customers may attend the hearing and make
12 public comments or file written comments with the Commission. Written comments
13 may be submitted by e-mail or by mailing a letter referencing Docket No. W-02105A-
14 08-0262 to:

15 Arizona Corporation Commission
16 Consumer Services Section
17 1200 West Washington St.
18 Phoenix, AZ 85007

19 For a form to use and instructions on how to e-mail comments to the Commission, go
20 to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require
21 assistance, you may contact the Consumer Services Section at 1-800-222-7000.

22 Interested parties may intervene by filing a written motion to intervene with the
23 Commission no later than **August 18, 2008**. If representation by counsel is required
24 by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be
25 conditioned upon the intervenor's obtaining counsel to represent the intervenor. For
26 information about requesting intervention, visit the Commission's website at
27 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf> or contact the
28 Commission's Consumer Services Section at 1-800-222-7000. Failure to intervene
will not preclude a customer from appearing at the hearing and making a statement on
the customer's own behalf.

The application and all filings are available on the Commission's website
(www.azcc.gov) using the e-Docket function.

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, at 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 Mount Tipton shall, **no later than August 15, 2008, file**
with the Commission's Docket Control **certification that the public notice was mailed and posted**
in accordance with this Procedural Order.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
105, except that all motions to intervene must be filed on or before **August 18, 2008**.

IT IS FURTHER ORDERED that notice in accordance with this Procedural Order shall be

1 deemed complete upon mailing, notwithstanding the failure of an individual customer to read or
2 receive the notice.

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

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

9 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
10 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

11 Dated this 21st day of July, 2008.

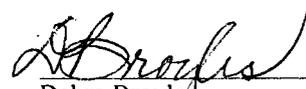
12
13
14 
15 SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
this 21st day of July, 2008, to:

17 John Janik, President
18 MOUNT TIPTON WATER CO., INC.
19 P.O. Box 38
Dolan Springs, AZ 86441
Certified Mail

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

20 John Janik, President
21 MOUNT TIPTON WATER CO., INC.
22 P.O. Box 457
Dolan Springs, AZ 86441
Certified Mail

By: 
Debra Broyles
Secretary to Sarah N. Harpring

23 Janice Alward, Chief Counsel
24 Legal Division
ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
Phoenix, AZ 85007

26 Ernest G. Johnson, Director
27 Utilities Division
ARIZONA CORPORATION COMMISSION
28 1200 West Washington Street
Phoenix, AZ 85007