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BEFORE THE ARIZONA CORPORATION COMMISSION
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2 COMMISSIONERS

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

AUG - 6 2008

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7 IN THE MATTER OF THE APPLICATION OF
8 HEART CAB COMPANY, INC., DBA SULGER
9 WATER CO. #2 FOR AN EMERGENCY RATE
10 INCREASE.

DOCKET NO. W-02355A-08-0288

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On June 3, 2008, Heart Cab Company, Inc. dba Sulger Water Co. #2. ("Sulger" or
12 "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an
13 emergency rate increase. The application states that Sulger is not requesting a fixed number of dollars
14 that it needs to recover. Accordingly, a hearing must be scheduled in this matter.

15 IT IS THEREFORE ORDERED that a hearing to determine whether an emergency exists
16 pursuant to Attorney General Opinion No. 71-17 and whether an emergency rate increase should be
17 granted shall commence on **September 22, 2008, at 10:00 a.m.**, or as soon thereafter as is practicable,
18 in Conference Room 100, at the Commission's offices, 1200 West Washington Street, Phoenix,
19 Arizona 85007.

20 IT IS FURTHER ORDERED that the **Staff Report** and/or any testimony and associated
21 exhibits to presented at hearing on behalf of Staff shall be reduced to writing and filed **on or before**
22 **September 2, 2008.**

23 IT IS FURTHER ORDERED that Heart Cab Company, Inc., dba Sulger Water Company #2
24 shall file its Response to the Staff Report or Staff testimony with the Commission's Docket Control by
25 September 12, 2008. However, failure to file a written response will not preclude the Applicant from
26 presenting its response verbally at the hearing.

27 IT IS FURTHER ORDERED that Applicant shall, **on or before August 22, 2008**, cause the
28 following public notice to be (1) mailed to each of its customers, (2) posted in a conspicuous area at its

1 offices, and (3) posted in a conspicuous area at each of its standpipe locations.

2
3 **PUBLIC NOTICE OF THE HEARING ON HEART CAB COMPANY, INC.,**
4 **DBA SULGER WATER COMPANY #2 APPLICATION FOR AN**
5 **EMERGENCY RATE INCREASE**
6 **(Docket No. W-02355A-08-0288)**

7 Heart Cab Company, Inc., dba Sulger Water Company #2 ("Sulger" or "Applicant")
8 has requested that the Arizona Corporation Commission determine whether an
9 emergency rate increase should be granted. The application states that Sulger is not
10 requesting a fixed number of dollars that it needs to recover.

11 The Commission will determine whether an emergency exists and may, based on the
12 evidence presented at hearing, deny the request or approve an interim rate either higher
13 or lower than that requested by Sulger.

14 The Commission will hold a **public hearing** on this request beginning **September 22,**
15 **2008, at 10:00 a.m.,** in Conference Room 100, at the Commission's offices, 1200 West
16 Washington Street, Phoenix, Arizona. Customers may attend the hearing and make
17 public comments or file written comments with the Commission. Written comments
18 may be submitted by e-mail or by mailing a letter referencing Docket No. W-02355A-
19 08-0288 to:

20 Arizona Corporation Commission
21 Consumer Services Section
22 1200 West Washington St.
23 Phoenix, AZ 85007

24 For a form to use and instructions on how to e-mail comments to the Commission, go
25 to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require
26 assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-
27 222-7000.

28 Interested parties may intervene by filing a written motion to intervene with the
Commission no later than **September 12, 2008**. If representation by counsel is
required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be
conditioned upon the intervenor obtaining counsel to represent the intervenor. For
information about requesting intervention, visit the Commission's website at
<http://www.azcc.gov/divisions/utilities/forms/interven.pdf> or contact the 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 Applicant shall, **no later than September 2, 2008, file with**
the Commission's Docket Control **certification that the public notice was mailed and posted in**

1 accordance with this Procedural Order.

2 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
3 105, except that all motions to intervene must be filed on or before **September 12, 2008**.

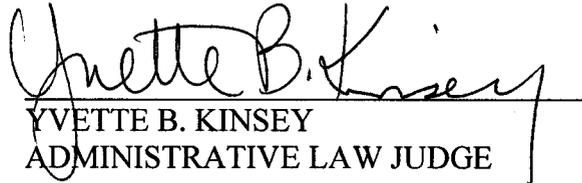
4 IT IS FURTHER ORDERED that notice in accordance with this Procedural Order shall be
5 deemed complete upon mailing and posting, notwithstanding the failure of an individual customer to
6 read or receive the notice.

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

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

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

15 DATED this 6th day of August, 2008.

16
17 
18 YVETTE B. KINSEY
19 ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
21 This 6th day of August, 2008 to:

22 Valerie Betts
23 HEART CAB COMPANY, INC. dba
24 SULGER WATER CO. #2
25 202 E. Allen Lane
26 Huachuca City, AZ 85616

27 Janice Alward, Legal Division
28 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007-2927

Ernest Johnson, Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007-2927

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

By: 
Debbi Person
Secretary to Yvette B. Kinsey