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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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AZ CORP COMMISSION
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Arizona Corporation Commission

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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 the application.

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

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

On April 29, 2008, by Procedural Order, a hearing was set to commence 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. There were no objections to Staff's request.

On May 12, 2008, by Procedural Order, the June 9, 2008, hearing was rescheduled to July 28, 2008, and the time clock was extended accordingly.

1 On June 30, 2008, Staff filed a Staff Report recommending approval of Del Rio's application
2 with conditions.

3 On July 18, 2008, Del Rio filed Comments to the Staff Report.

4 On July 28, 2008, a full public hearing was convened before a duly authorized Administrative
5 Law Judge of the Commission at its offices in Phoenix, Arizona. The Applicant and Staff appeared
6 through counsel.

7 Based on the testimony given during the hearing and the filings docketed, it has been
8 determined that additional information is needed and that the matter should be set for an additional
9 day of hearing.

10 IT IS THEREFORE ORDERED that the hearing in **this matter shall reconvene on**
11 **November 14, 2008 at 10:00 a.m.**, or as soon as thereafter as is practicable, at the Commission's
12 offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona 85007.

13 IT IS FURTHER ORDERED that Del Rio shall make available as a witness for the next
14 hearing date an Officer of Del Rio who is authorized to testify on behalf of the Applicant.

15 IT IS FURTHER ORDERED that the purpose of reconvening the hearing is to address issues
16 including, but not limited to, Del Rio's organizational structure; the names of its principal officers;
17 the identity of any affiliated entities; a description of any pending law suits and/or complaints;
18 financial information that can be used to determine the source of revenue Del Rio will use to finance
19 the proposed infrastructure in the requested CC&N area; the timeframes projected for development
20 within the proposed CC&N area; estimated timeframes for meeting State, County and Municipal
21 permit requirements; and a detailed description of the various phases of development, including the
22 timing and size of each proposed phase of development.

23 IT IS FURTHER ORDERED that Del Rio shall also make available a witness to testify
24 regarding conservation mechanisms that will be employed within the proposed CC&N area including,
25 but not limited to, the proposed use of reclaimed water, plans by developers to build golf courses or
26 other turf areas and whether groundwater would be used to irrigate those areas, and plans for lakes or
27 other ornamental water features.
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1 IT IS FURTHER ORDERED that Staff shall obtain additional information from the
2 Applicant as needed and shall file, on or before, October 15, 2008, a Supplemental Staff Report
3 addressing the issues raised in this procedural order.

4 IT IS FURTHER ORDERED that Del Rio shall file, on or before October 31, 2008,
5 responses to Staff's Supplemental Staff Report.

6 IT IS FURTHER ORDERED that the timeclock is hereby suspended.

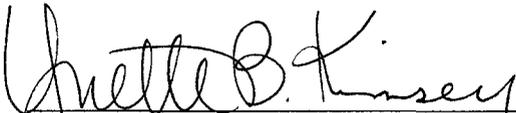
7 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
8 Communications) continues to apply to this proceeding.

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

12 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
13 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
14 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
15 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
16 matter is scheduled for discussion, unless counsel has previously been granted permission to
17 withdraw by the Administrative Law Judge or the Commission.

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

20 Dated this 8th day of August, 2008.

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23 YVETTE B. KINSEY
24 ADMINISTRATIVE LAW JUDGE
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27 ...
28 ...

1 Copies of the foregoing mailed/delivered
2 this 8th day of August, 2008 to:

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

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18 By: DPerson
19 Debbi Person
20 Secretary to Yvette B. Kinsey
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