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BEFORE THE ARIZONA CORPORATION COMMISSION

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MIKE GLEASON, Chairman  
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AZ CORP COMMISSION  
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Arizona Corporation Commission

DOCKETED

AUG 18 2008

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ICR WATER USERS ASSOCIATION, INC. FOR  
A PERMANENT RATE INCREASE.

DOCKET NO. W-02824A-07-0388

PROCEDURAL ORDER

BY THE COMMISSION:

On June 26, 2007, ICR Water Users Association, Inc. ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges.

On July 26, 2007, the Commission's Utilities Division ("Staff") issued a notice of sufficiency pursuant to A.A.C. R14-3-103, and classifying the Company as a Class C utility.

On August 9, 2007, pursuant to A.A.C. R14-3-101, the Commission issued a Procedural Order which scheduled a hearing on January 8, 2008, and established filing dates for the proceeding.

On December 21, 2007, Mr. Dayne Taylor, a customer of the Company, filed a request to intervene which was opposed by the Company due to the lateness of the filing. Staff did not object to Mr. Taylor's request for intervention.

On January 8, 2008, a full public hearing was convened before a duly authorized Administrative Law Judge of the Commission at its office in Phoenix, Arizona. The Company and Staff appeared with counsel. Following public comment, Mr. Taylor was granted intervention and appeared on his own behalf. The parties subsequently agreed to certain filing dates and to the continuance of the hearing to April 16, 2008. Subsequently, by Procedural Order, the hearing was continued to April 16, 2008, and filing dates established.

On February 15, 2008, Staff filed a Motion for an Extension of Time "(Motion)" until March 14, 2008, in which to file any amended testimony or an amended Staff Report.

1 On February 19, 2008, the Company joined in Staff's Motion and suggested the following  
2 changes to filing dates:

- 3 • **March 14, 2008** the Company to file rebuttal testimony and associated exhibits; and  
4 Staff to file amended Staff Report.
- 5 • **April 4, 2008** Mr. Taylor to file Surrebuttal testimony and associated exhibits.
- 6 • **April 11, 2008** Parties to file objections to any testimony and exhibits which have  
7 been pre-filed as of April 4, 2008.
- 8 • **April 16, 2008** Hearing; rejoinder testimony and associated exhibits to be  
9 presented at the hearing.

10 Mr. Taylor did not file a response to Staff's Motion.

11 On February 27, 2008, by Procedural Order, Staff's Motion was granted and the other filing  
12 dates modified as recommended by the Company.

13 On April 3, 2008, Talking Rock Golf Course, L.L.C. ("TRG") filed a Motion to Intervene.  
14 Therein, TRG indicated that TRG has a direct and substantial interest in the proceeding and the  
15 Applicant, Staff and Mr. Taylor do not oppose TRG's intervention.

16 On April 3, 2008, TRG was granted intervention, and was ordered to file testimony and  
17 exhibits by April 14, 2008.

18 On April 16, 2008, the hearing resumed with Commissioner Mayes in attendance and the  
19 Company, TRG and Staff present with counsel. Mr. Taylor appeared on his own behalf. Following  
20 public comment, counsel for the Company indicated that the parties had begun to explore resolving  
21 certain issues in the proceeding and that they hoped to reach a form of settlement in several weeks  
22 after which the Company would meet with its customers and then file a request to reschedule the  
23 proceeding. The delay would also allow Mr. Taylor time to resolve a medical issue.

24 On July 31, 2008, Mr. Taylor filed a motion to schedule a procedural conference because no  
25 agreement had yet been reached between the parties.

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1 On August 6, 2008, the Company filed its response to Mr. Taylor's Motion indicating that it  
2 anticipates reaching a draft agreement with TRG that will be submitted to the other parties in  
3 approximately two weeks. After the draft agreement is circulated to the parties, the Company is to  
4 file a request to establish a procedural schedule.

5 On August 13, 2008, Staff filed its response indicating that it does not object to Mr. Taylor's  
6 Motion.

7 Accordingly, Mr. Taylor's motion should be granted and a status conference scheduled after  
8 sufficient time is allowed for a review of the forthcoming draft agreement.

9  
10 IT IS THEREFORE ORDERED that a **status conference** shall be held on  
11 **September 18, 2008, at 11:00 a.m.** at the Commission's offices, Room 100, 1200 West  
12 Washington Street, Phoenix, Arizona.

13 IT IS FURTHER ORDERED that, pursuant to A.A.C. R14-2-103, the time-frame in this  
14 proceeding shall be suspended until further order.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

20 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
21 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
22 ruling at hearing.

23 DATED this 18<sup>TH</sup> day of August, 2008.

24  
25  
26   
27 MARC E. STERN  
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed  
this 18<sup>th</sup> day of August, 2008 to:

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