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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

SEP -4 2008

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF
KEATON DEVELOPMENT COMPANY FOR
APPROVAL OF AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR THE PROVISION OF
WATER SERVICE IN PORTIONS OF LA PAZ
COUNTY, ARIZONA.

DOCKET NO. W-02169A-08-0301

PROCEDURAL ORDER

BY THE COMMISSION:

On June 13, 2008, Keaton Development Company ("Keaton" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide domestic water service in portions of La Paz County, Arizona.

On July 3, 2008, Keaton filed an Amended Application.

On August 1, 2008, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter and First Set of Data Requests.

On August 12, 2008, Applicant filed a second amended application withdrawing the amendment set forth in the July 3, 2008, filing.

On August 19, 2008, Staff filed a Sufficiency Letter indicating that Keaton's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On August 20, 2008, Keaton filed a Response to Staff's First Set of Data Request.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **October 30, 2008, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's

1 offices, 1200 West Washington Street, Hearing Room #1, Phoenix, Arizona 85007.

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 **October 14, 2008**.

4 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no
5 later than **October 23, 2008**.

6 IT IS FURTHER ORDERED that Keaton shall provide public notice of the hearing in this
7 matter, in the following form and style, with the heading no less than 10 point bold type and the body
8 no less than 10 point regular type:

9
10 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
11 **KEATON DEVELOPMENT COMPANY FOR APPROVAL OF AN**
12 **EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND**
13 **NECESSITY FOR THE PROVISION OF WATER SERVICE IN**
14 **PORTIONS OF LA PAZ COUNTY.**
15 **(Docket No. W-02169A-08-0301)**

16 On June 13, 2008, Keaton Development Company ("Keaton" or "Applicant") filed
17 with the Arizona Corporation Commission ("Commission") an application for an
18 extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N")
19 to provide domestic water service in portions of La Paz County, Arizona. The
20 Commission's Utilities Division ("Staff") has not yet made a recommendation
21 regarding Keaton's application, and the Commission is not bound by the proposals
22 made by Keaton, Staff, or any intervenors. The Commission will issue a decision
23 regarding Keaton's application following consideration of testimony and evidence
24 presented at an evidentiary hearing. Copies of the application are available at
25 Keaton's offices [insert address] and the Commission's offices at 1200 West
26 Washington, Phoenix, Arizona, for public inspection during regular business hours and
27 on the internet via the Commission website (www.azcc.gov) using the e-docket
28 function.

29 The Commission will hold a hearing on this matter beginning **October 30, 2008, at**
30 **10:00 a.m.**, in Hearing Room #1 at the Commission's offices, 1200 West Washington,
31 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.
32 Written public comments may be submitted via email (visit
33 http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions) or
34 by mailing a letter referencing Docket Number W-02169A-08-0301 to: Arizona
35 Corporation Commission, Consumer Services Section, 1200 West Washington,
36 Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services
37 Section at 1-800-222-7000 or 602-542-4251.

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

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

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
9 that all motions to intervene must be filed on or before **October 14, 2008**. The
10 granting of intervention, among other things, entitles a party to present sworn evidence
11 at hearing and to cross-examine other witnesses. However, failure to intervene will
12 not preclude any person or entity from appearing at the hearing and making a
13 statement on their own behalf.

14 The Commission does not discriminate on the basis of disability in admission to its
15 public meetings. Persons with a disability may request a reasonable accommodation
16 such as a sign language interpreter, as well as request this document in an alternative
17 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
18 voice phone number 602/542-3931. Requests should be made as early as possible to
19 allow time to arrange the accommodation.

20 IT IS FURTHER ORDERED that Keaton shall **mail to each property owner or property**
21 **owner representative** in the requested extension area a copy of the above notice and shall cause the
22 above notice to be **published in a newspaper of general circulation** in its service territory, with
23 publication and mailing to be completed no later than **September 26, 2008**.

24 IT IS FURTHER ORDERED that Keaton shall **file certification of mailing and publication**
25 as soon as practicable after the mailing/publication has been completed, but not later than **October 3,**
26 **2008**.

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

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **October 3,**
2008.

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or
before **October 13, 2008**.

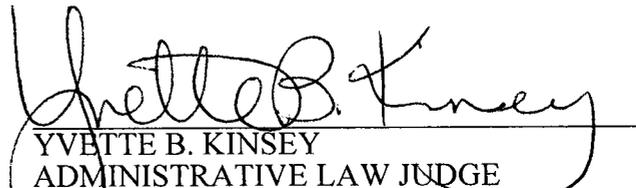
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

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

13 Dated this 4th day of September, 2008.

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16 YVETTE B. KINSEY
17 ADMINISTRATIVE LAW JUDGE

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26 ...
27 ...
28 ...

1 Copies of the foregoing mailed/delivered
2 this 4th day of September, 2008 to:

3 William Scott, President
4 KEATON DEVELOPMENT COMPANY
5 P.O. Box 905
6 Salome, Arizona 85348

7 Richard L. Sallquist
8 SALLQUIST, DRUMMOND & O'CONNOR, P.C.
9 4500 South Lakeshore Drive, Suite 3389
10 Tempe, Arizona 85282
11 Attorney for Keaton Development Company

12 Janice Alward, Chief Counsel
13 Legal Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Ernest G. Johnson, Director
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, Arizona 85007

22 ARIZONA REPORTING SERVICE, INC.
23 2200 N. Central Ave., Suite 502
24 Phoenix, Arizona 85004

25 By: 
26 Debra Broyles
27 Secretary to Yvette B. Kinsey
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