



0000088493

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION
RECEIVED

2 COMMISSIONERS

3 MIKE GLEASON, Chairman 7008 SEP -8 P 3: 14
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER AZ CORP COMMISSION
6 KRISTIN K. MAYES DOCKET CONTROL
7 GARY PIERCE

Arizona Corporation Commission

DOCKETED

SEP - 8 2008



6 IN THE MATTER OF:

7 RAYMOND R. PUGEL AND JULIE B. PUGEL AS
8 TRUSTEES OF THE RAYMOND R. PUGEL AND
9 JULIE B. PUGEL FAMILY TRUST, and ROBERT
10 RANDALL AND SALLY RANDALL,

DOCKET NO. W-03512A-06-0407

Complainants,

10 v.

11 PINE WATER COMPANY,

Respondent.

12 ASSET TRUST MANAGEMENT CORP.,

DOCKET NO. W-03512A-06-0613

Complainant,

14 v.

15 PINE WATER COMPANY,

Respondent.

17 JAMES HILL and SIOUX HILL, husband and wife
18 as trustees of THE HILL FAMILY TRUST,

DOCKET NO. W-03512A-07-0100

Complainant,

19 v.

20 PINE WATER COMPANY,

Respondent.

21 BRENT WEEKES,

DOCKET NO. W-03512A-07-0019

Complainant,

23 v.

24 PINE WATER COMPANY,

Respondent.

26 **BY THE COMMISSION:**

PROCEDURAL ORDER

27 On June 21, 2006, Raymond R. Pugel and Julie B. Pugel, as trustees of the Raymond R. Pugel
28 and Julie B. Pugel Family Trust, and Robert Randall and Sally Randall (collectively "Pugel

9/25

1 Complainants”), filed with the Arizona Corporation Commission (“Commission”) in Docket No. W-
2 03512A-06-0407 a Complaint (“Pugel Complaint”) against Pine Water Company (“Pine Water” or
3 “Company”). The Complaint seeks to delete property owned by the Complainants from Pine Water’s
4 certificated service area based on the allegation that Pine Water is not able to provide satisfactory and
5 adequate water service in a reasonable time and at a reasonable rate.

6 On September 25, 2006, Asset Trust Management Corp. (“ATM”) filed a similar Complaint
7 against Pine Water in Docket No. W-03512A-06-0613 (“ATM Complaint”).

8 On February 23, 2007, James Hill and Sioux Hill, as trustees of The Hill Family Trust, filed a
9 complaint (“Hill Complaint”) against Pine Water in Docket No. W-03512A-07-0100.

10 By Procedural Orders issued December 19, 2006 and April 3, 2007, respectively, the ATM
11 Complaint and the Hill Complaint were consolidated with the Pugel Complaint.

12 On January 12, 2007, Brent Weekes filed a complaint (“Weekes Complaint”) against Pine
13 Water in Docket No. W-03512A-07-0019. The Weekes Complaint was consolidated with the other
14 three complaints by Procedural Order issued May 16, 2007.

15 Hearings have been conducted but not concluded in the consolidated proceeding, and
16 additional testimony has been filed. A Stipulation to settle the ATM Complaint was filed on January
17 25, 2008. A Stipulation to settle the Weekes Complaint was filed on April 1, 2008.

18 On August 7, 2008, Pine Water filed a Motion to Dismiss the Pugel Complaint and the Hill
19 Complaint for “lack of prosecution.”

20 On August 18, 2008, counsel for the Pugels filed a Response to Motion to Dismiss and
21 Request for Procedural Conference. Counsel for the Pugel, ATM, and Weekes Complaints also
22 requested that the ATM and Weekes Complaints be severed from the consolidated proceeding and
23 dismissed in accordance with the Stipulations.

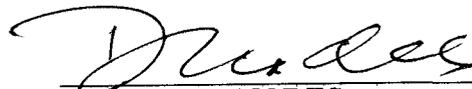
24 On August 20, 2008, Pine Water filed a Reply in Support of Motion to Dismiss.

25 **IT IS THEREFORE ORDERED that the ATM Complaint (Docket No. W-03512A-06-**
26 **0613) and the Weekes Complaint (Docket No. W-03512A-07-0019) shall henceforth be severed**
27 **from the above-captioned consolidated proceeding, and shall be treated as separate individual**
28 **dockets.**

1 IT IS FURTHER ORDERED that a **procedural conference shall be scheduled for**
2 **September 29, 2008, at 10:00 a.m.**, at the offices of the Commission, 1200 West Washington,
3 Hearing Room 1, Phoenix, Arizona 85007. Interested parties may participate telephonically by
4 calling **602-771-9955** at the designated time.

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

8 Dated this 8th day of September, 2008.

9
10 

11 DWIGHT D. NODES
12 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

13
14 Copies of the foregoing mailed/delivered
this 8th day of September, 2008 to:

15 John G. Gliege
16 Stephanie J. Gliege
17 GLIEGE LAW OFFICES
18 P.O. Box 1388
19 Flagstaff, Arizona 86002-1388
20 Attorneys for Complainants

21 Jay L. Shapiro
22 Patrick J. Black
23 FENNEMORE CRAIG
24 3003 North Central Avenue, Suite 2600
25 Phoenix, AZ 85012-2913
26 Attorneys for Pine Water Company

27 Robert Hardcastle, President
28 BROOKE UTILITIES, INC.
P.O. Box 82218
Bakersfield, CA 93380-2218

David W. Davis
TURLEY, SWAN & CHILDERS, P.C.
3101 North Central Avenue, Suite 1300
Phoenix, AZ 85012-2656
Attorneys for James Hill and Sioux Hill

Robert M. Cassaro
P.O. Box 1522
Pine, AZ 85544-1522

William F. Haney
3018 East Mallory Street
Mesa, AZ 85213-1673

Barbara Hall
P.O. Box 2198
Pine, AZ 85544-2198

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

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

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

By: 
Debra Broyles
Secretary to Dwight D. Nodes