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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2008 SEP -8 P 3:15

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF:

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

DOCKET NO. W-03512A-06-0407

Arizona Corporation Commission

**DOCKETED**

SEP -8 2008

Complainants,

v.

PINE WATER COMPANY,

Respondent.

DOCKETED BY 

ASSET TRUST MANAGEMENT CORP.,

DOCKET NO. W-03512A-06-0613

Complainant,

v.

PINE WATER COMPANY,

Respondent.

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

DOCKET NO. W-03512A-07-0100

Complainant,

v.

PINE WATER COMPANY,

Respondent.

BRENT WEEKES,

DOCKET NO. W-03512A-07-0019

Complainant,

v.

PINE WATER COMPANY,

Respondent.

PROCEDURAL ORDER

**BY THE COMMISSION:**

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

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 8<sup>th</sup> 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 8<sup>th</sup> day of September, 2008 to:

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By:   
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Secretary to Dwight D. Nodes