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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2008 SEP 18 P 1:34

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION  
DOCKET CONTROL

SEP 18 2008

DOCKETED BY	<i>[Signature]</i>
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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. Based on the testimony, and evidence presented and the docketed filings, it was  
7 determined that additional information was needed and that the matter should be set for an additional  
8 day of hearing.

9 On August 8, 2008, by Procedural Order, this matter was set to reconvene on November 14,  
10 2008, and other filing deadlines were established. The time clock was also suspended.

11 On August 8, 2008, Staff filed a late-filed exhibit.

12 On September 3, 2008, Appaloosa Water Company ("Appaloosa") filed an Application to  
13 Intervene.

14 On September 12, 2008, Del Rio filed a request to delay the November 14, 2008, hearing date  
15 to December 13, 2008, or later. The request stated that pursuant to the Procedural Order dated  
16 August 8, 2008, Staff has made additional data requests to the Applicant, and Del Rio needs more  
17 time to complete its answers. The request further stated that Del Rio's sole member, The Bond Ranch  
18 at Del Rio Springs, LLC, is currently involved in a refinancing, which will not be completed in time  
19 for Del Rio to give Staff complete answers to the additional data requests. Del Rio also requested an  
20 extension of time for Staff to file a Supplemental Staff Report and for Del Rio to file its responses to  
21 the Supplemental Staff Report. The request states that Staff does not object to Del Rio's request to  
22 extend the time deadlines.

23 Applicant's request for an extension of time for itself and Staff to make filings and for  
24 rescheduling of the hearing in this matter is reasonable and should be granted.

25 IT IS THEREFORE ORDERED that the hearing set to reconvene on November 14, 2008,  
26 shall be vacated and rescheduled to December 22, 2008, at 10:00 a.m., or as soon thereafter as is  
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1 practicable, in Hearing Room #1 at the Commission's offices, 1200 West Washington Street,  
2 Phoenix, Arizona.

3 IT IS FURTHER ORDERED that Staff shall obtain additional information from the Applicant  
4 as needed and shall file, on or before November 17, 2008, a Supplemental Staff Report addressing the  
5 issues raised in the August 8, 2008, Procedural Order.

6 IT IS FURTHER ORDERED that Del Rio shall file, on or before December 1, 2008, its  
7 responses to Staff's Supplemental Staff Report.

8 IT IS FURTHER ORDERED that Staff and Del Rio shall file, no later than October 3, 2008,  
9 responses to Appaloosa's Request for Intervention.

10 IT IS FURTHER ORDERED that the time clock in this matter shall remain suspended.

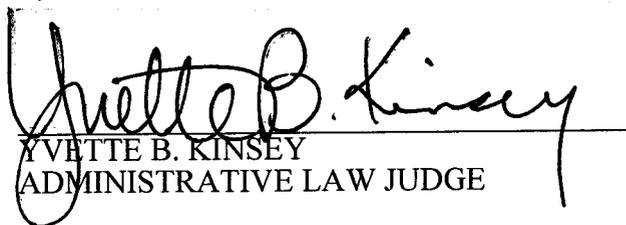
11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
12 Communications) continues to apply to this proceeding.

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

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

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

24 Dated this 18<sup>th</sup> day of September, 2008.

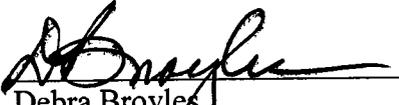
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YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

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

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14 Utilities Division  
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18 By:   
19 Debra Broyles  
20 Secretary to Yvette B. Kinsey  
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