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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

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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION  
OF APPALOOSA WATER COMPANY FOR  
FINANCING AUTHORIZATION.

DOCKET NO. W-03443A-08-0177

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 26, 2008, Appaloosa Water Company ("Appaloosa" or "Company") filed with the Arizona Corporation Commission ("Commission") an application requesting authorization to seek financing to construct an arsenic treatment facility. Appaloosa's application requests authorization to finance approximately \$192,000, through the Water Infrastructure Financing Authority ("WIFA").

On June 20, 2008, Appaloosa filed an application with the Commission to increase its rates in Docket No. W-03443A-08-0313. Appaloosa's rate application states the Company is seeking an increase in its rates to cover increased administrative costs, increased property taxes, and the cost of a proposed arsenic treatment facility.

On October 17, 2008, Staff filed a Letter of Sufficiency stating that Appaloosa's rate application had met the sufficiency requirements as outlined in A.A.C. R14-2-103 and that Appaloosa had been classified as a Class C utility.

On October 21, 2008, Staff filed a Motion to Consolidate Docket No. W-03443A-08-0313 and Docket No. W-03443A-08-0177, stating that the matters are substantially related and consolidation will not prejudice the rights of the parties.

A procedural conference should be held to discuss consolidation of Docket Nos. W-03443A-08-0313 and W-03443A-08-0177, the appropriate procedural schedule, and whether resolution of the issues will require a hearing.

1 IT IS THEREFORE ORDERED that a **telephonic procedural conference** shall be held on  
2 **November 17, 2008, at 10:00 a.m.**, or as soon thereafter as is practicable. To participate, each party  
3 shall call **602-771-9951**.

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

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

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

16 DATED this 30<sup>th</sup> day of October, 2008.

17   
18 YVETTE B. KINSEY  
19 ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered  
21 this 30<sup>th</sup> day of October, 2008 to:

22 Joe Cordovana  
23 APPALOOSA WATER COMPANY  
24 7012 North 18<sup>th</sup> Street  
25 Phoenix, Arizona 85020-5502

26 Janice Alward, Chief Counsel  
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28 Legal Division  
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By:   
Debra Broyles  
Secretary to Yvette B. Kinsey