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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

- 3 MIKE GLEASON - Chairman
- 4 WILLIAM A. MUNDELL
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 AZ CORP COMMISSION
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Arizona Corporation Commission

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8 IN THE MATTER OF THE APPLICATION OF
 9 MOHAWK UTILITY COMPANY TO EXTEND
 10 ITS CERTIFICATE OF CONVENIENCE AND
 11 NECESSITY.

DOCKET NO. W-02341A-06-0040

PROCEDURAL ORDER

12 BY THE COMMISSION:

13 On January 24, 2006, Mohawk Utility Company, Inc. ("Company" or "Applicant") filed with
 14 the Arizona Corporation Commission ("Commission") an application for an extension of its
 15 Certificate of Convenience and Necessity ("Certificate") to provide water service in various parts of
 16 Yuma County, Arizona.

17 On February 23, 2006, the Commission's Utilities Division ("Staff") issued a Notice of
 18 Insufficiency to the Company pursuant to A.A.C. R14-2-411(C).

19 On July 14, 2006, Staff issued its second Notice of Insufficiency to the Company.

20 On March 8, 2007, Staff issued its third Notice of Insufficiency to the Company.

21 On May 9, 2007, 38 East, L.L.C. ("38 East") filed a Motion to Intervene ("Motion"). There
 22 were no objections filed to this Motion.

23 On May 21, 2007, by Procedural Order, 38 East's Motion was granted.

24 On June 17, 2008, Staff sent a letter to the Company notifying it that if the Company failed to
 25 file its 2007 Utilities Division Annual Report, Staff would move to close the docket administratively.

26 On October 17, 2008, Staff filed its report on the Company's application. A review of the file
 27 indicates that certain issues connected to the application are unclear.

28 On October 27, 2008, Staff issued a Notice of Sufficiency on the Company's application.

On October 30, 2008, by Procedural Order, a status conference was scheduled on the
 application on November 10, 2008

1 On November 10, 2008, at the status conference, the manager of 38 East appeared and Staff
2 appeared with counsel. The Company did not enter an appearance and had not requested a
3 continuance of the proceeding. Based on the Staff Report, it appears that there have been changes in
4 the Company's intention with respect to the area for which it is seeking an extension of its
5 Certificate, and that the Company has not amended its application. Additionally, a question has been
6 raised with respect to the status of the Company's certified operator.

7 Under the circumstances, the Company should file an amended application along with the
8 correct legal description for the area sought to be certificated herein. The Company should further
9 indicate whether the utility is currently being operated by a certified operator.

10 IT IS THEREFORE ORDERED that Mohawk Utility Company, Inc. shall file an amendment
11 to its application and state the specific area for which it is seeking an extension of its Certificate
12 along with a corrected legal description which will reflect an accurate depiction of the area sought to
13 be certificated herein.

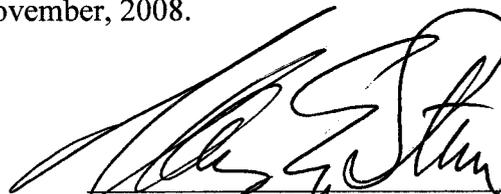
14 IT IS FURTHER ORDERED that the Mohawk Utility Company, Inc. shall also file
15 certification which clarifies the status of the Company's operator.

16 IT IS FURTHER ORDERED that that the Commission's Utilities Division shall file a
17 response indicating whether the Company's filing accurately depicts the current area sought to be
18 certificated in the requested extension area and whether the Company is being run by a certified
19 operator at the present time.

20 IT IS FURTHER ORDERED that upon the filing of the documentation by the Company and
21 Staff's response, an appropriate hearing will be scheduled.

22 IT IS FURTHER ORDERED that the time-frame shall remain suspended until further Order.

23 Dated this 10th day of November, 2008.

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27 MARC E. STERN
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
this 10th day of November, 2008, to:

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By: 
Debra Broyles
Secretary to Marc E. Stern