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BEFORE THE ARIZONA CORPORATION COMMISSION

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DOCKET NO. W-01303A-08-0227

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS AGUA FRIA WATER DISTRICT, HAVASU WATER DISTRICT, MOHAVE WATER DISTRICT, PARADISE VALLEY WATER DISTRICT, SUN CITY WEST WATER DISTRICT AND TUBAC WATER DISTRICT.

Arizona Corporation Commission DOCKETED

DEC 12 2008

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS MOHAVE WASTEWATER DISTRICT.

DOCKET NO. SW-01303A-08-0227

PROCEDURAL ORDER GRANTING INDIVIDUAL INTERVENTIONS AND RULING ON MOTION TO LIMIT SERVICE OF DOCUMENTS

BY THE COMMISSION:

On May 2, 2008, Arizona-American Water Company ("Company") filed an application for a rate increase and on June 20, 2008, filed the above-captioned Revised Application with the Arizona Corporation Commission ("Commission").

On December 4, 2008, Tom Sockwell filed a Motion to Intervene. Mr. Sockwell's Motion to Intervene states that he is the Mohave County Supervisor representing District 2 of the Mohave County Board of Supervisors.

On December 4, 2008, Andy Panasuk filed a Motion to Intervene.

On December 5, 2008, the Company filed a Motion to Limit Service of Documents, requesting issuance of an order limiting its requirement to serve copies of filed documents on all

1 parties in these dockets and instead allowing it to provide notice to certain parties. The Company
2 states that not all intervenors may wish to be burdened with printed copies of all documents filed in a
3 case, especially in a case like this one, where the total pages in a docket file may run into the tens of
4 thousands. The Company further states that all filed documents are publicly available for review
5 from the Commission's eDocket website, <http://edocket.azcc.gov/>, and that printing and mailing all
6 documents to over 20 parties will greatly add to the participating parties' administrative, copying, and
7 postage costs. The Company proposes that in lieu of mailing a complete document to the individual
8 intervenors, a party may instead use a "Notice Procedure" which the Company proposes consist of
9 mailing individual intervenors a one-page Notice in the form attached as Exhibit A to its Motion.
10 The Company proposes that individual intervenors could subsequently opt out of the Notice
11 Procedure in lieu of service of complete documents by notifying all other parties that the intervenor
12 wishes to begin receiving full copies of all documents filed by other parties.

13 On December 8, 2008, Thomas J. Ambrose filed a Motion to Intervene. Mr. Ambrose's
14 Motion to Intervene states that he is a residential customer of Arizona-American Water Company.
15 Mr. Ambrose's Motion to Intervene further states that he "also represent[s] the interest of a
16 commercial customer, of the Utility."

17 No objections to the Motions to Intervene have been filed.

18 Accordingly, Tom Sockwell, Andy Panasuk, and Thomas J. Ambrose should be granted
19 intervention so that each may represent his individual interests in this matter.

20 Individuals may intervene in order to personally represent their individual interests before the
21 Commission. Potential intervenors who are required by Rule 31 of the Rules of the Arizona Supreme
22 Court to obtain counsel to represent them before the Commission should have their counsel file a
23 Motion to Intervene on their behalf.

24 No objection to the Motion to Limit Service of Documents has been filed. The "Notice
25 Procedure" proposed by the Company varies from traditional service of documents on all parties to a
26 Commission proceeding. While some intervenors may prefer not to receive the voluminous filings
27 that will be made in this case over the following months, we find that the interests of the intervenors
28 in this case would be better served by allowing them to "opt-in" to the Notice Procedure limiting

1 service of documents as proposed by the Company rather than requiring them to “opt-out” of the
2 Notice Procedure.

3 If the Company or any other party wishes to provide intervenors with the opportunity to opt-in
4 to the Notice Procedure proposed by the Company, the Company or any other party may contact each
5 intervenor with an explanation of the Notice Procedure and request to obtain the intervenor’s written
6 consent to the Notice Procedure. In order to be valid, any written consent must contain an
7 explanation of the Notice Procedure upon the same page that contains the intervenor’s signed
8 consent. Upon the filing of a copy of an intervenor’s valid written consent to the Notice Procedure,
9 the parties to this case may subsequently utilize the Notice Procedure in lieu of serving a full copy of
10 documents upon that intervenor.

11 IT IS THEREFORE ORDERED that Tom Sockwell, Andy Panasuk, and Thomas J. Ambrose
12 are each hereby granted intervention, so that each may represent his own individual interests in this
13 matter.

14 IT IS FURTHER ORDERED that if Arizona-American Water Company or any other party
15 wishes to provide intervenors with the opportunity to opt-in to the Notice Procedure proposed by
16 Arizona-American Water Company, that party shall contact each intervenor with an explanation of
17 the Notice Procedure and request to obtain the intervenor’s written consent to the Notice Procedure.

18 IT IS FURTHER ORDERED that in order to be valid, any written consent to the Notice
19 Procedure must contain an explanation of the Notice Procedure upon the same page that contains the
20 intervenor’s signed consent.

21 IT IS FURTHER ORDERED that upon the filing by any party of a copy of an intervenor’s
22 valid written consent to the Notice Procedure, the parties to this case may subsequently utilize the
23 Notice Procedure in lieu of serving a full copy of documents upon that intervenor.

24 IT IS FURTHER ORDERED that absent a valid written consent to the Notice Procedure, all
25 filings made in this docket by any party, including individual intervenors, shall be served upon all
26 parties to this case, and shall conform to the requirements of the Commission’s Docket Control
27 Section.

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

4 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
5 Communications) continues to apply to this proceeding and shall remain in effect until the
6 Commission's Decision in this matter is final and non-appealable.

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

9 Dated this 12th day of December, 2008.

10
11 
12 TEENA WOLFE
13 ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 12th day of December, 2008 to:

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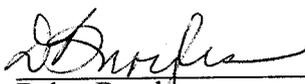
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25
26 By: 
27 Debra Broyles
Secretary to Teena Wolfe
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