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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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DEC 18 2008

COMMISSIONERS

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

2008 DEC 18 A 11:03

AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF WILHOIT WATER COMPANY, INC., THUNDERBIRD MEADOWS SYSTEM, FOR RETROACTIVE APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-02065A-07-0306

IN THE MATTER OF THE APPLICATION OF WILHOIT WATER COMPANY, INC., THUNDERBIRD MEADOWS SYSTEM, FOR APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-02065A-07-0307

IN THE MATTER OF THE APPLICATION OF WILHOIT WATER COMPANY, INC., THUNDERBIRD MEADOWS SYSTEM, FOR APPROVAL OF A PERMANENT RATE INCREASE

DOCKET NO. W-02065A-07-0312

IN THE MATTER OF THE APPLICATION OF WILHOIT WATER COMPANY, INC., THUNDERBIRD MEADOWS SYSTEM, FOR THE APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-02065A-08-0138

PROCEDURAL ORDER

BY THE COMMISSION:

On May 21, 2007, Wilhoit Water Company, Inc., Thunderbird Meadows System ("Applicant" or "Company") filed the following applications: an application requesting approval of retroactive financing in the amount of \$15,000 in Docket No. W-02065A-07-0306; an application requesting approval of financing in the amount of \$131,059 in Docket No. W-02065A-07-0307; and an application requesting approval for a permanent rate increase in Docket No. W-02065A-07-0312.

On June 19, 2007, the Company filed certification that it had mailed public notice to its customers of its rate application, but there is no indication that notice was provided on its financing applications.

On June 20, 2007, pursuant to A.A.C. R14-3-103, the Commission's Utilities Division

1 (“Staff”) issued a Notice of Insufficiency with respect to the Company’s rate application.

2 On July 18, 2007, the Commission held a public comment hearing in Wilhoit, Arizona.

3 September 10, 2007, pursuant to A.A.C. R14-2-103, Staff issued a Notice of Sufficiency with
4 respect to the Company’s rate application and classified the Company as a Class D Utility.

5 On September 19, 2007, Staff filed a Motion to Consolidate the three above-captioned
6 proceedings because Staff believed that the applications could be more efficiently handled if the
7 matters were combined into a single proceeding.

8 On September 25, 2007, by Procedural Order, the above-captioned proceedings were
9 consolidated.

10 On October 19 and 24, 2007, by Procedural Orders, the Commission scheduled a public
11 comment hearing on the applications on November 15, 2007, at the Wilhoit Southern Baptist Church
12 in Yavapai County, Arizona.

13 On October 31, 2007, the Company filed certification that it had provided public notice of the
14 scheduled public comment hearing on October 29 and 30, 2007.

15 On November 9, 2007, Staff filed its report recommending approval of its proposed rates and
16 charges. Staff further recommended that the Company’s retroactive financing application for
17 \$15,000 be denied and its financing application for \$131,059 be approved. Additionally, Staff
18 indicated that the Company needs to invest in a new water source with an estimated cost of
19 approximately \$100,000 and also recommended approval of this sum as long-term debt. However,
20 the Company had not yet filed an application for approval of the additional long-term debt
21 recommended by Staff.

22 On November 15, 2007, the Commission held a public comment hearing as previously
23 ordered.

24 On November 19, 2007, the Company filed objections to Staff’s recommendations with
25 respect to Applicant’s rate application and the denial of its financing application for \$15,000. The
26 Company also objected to Staff’s estimate of the cost of a new water source as being insufficient.

27 On January 7, 2008, by Procedural Order, before the Company’s rate application could be
28 addressed, the Company was ordered to file an additional financing application in light of Staff’s

1 recommendations for the financing of a new water source. Additionally, the Company was ordered
2 to provide public notice of the previous financing applications and the new financing application in a
3 form and manner approved by Staff. Lastly, the time-frame in the rate proceeding was suspended
4 pending Staff's review of the Company's new financing application after which Staff was to an
5 amended Staff Report concerning the Company's rate application and a Staff Report on the
6 Company's new financing application before a hearing is scheduled on the applications.

7 On March 6, 2008, the Company filed an application with the Commission for an order
8 authorizing applicant to issue \$345,000 of debt in Docket No. W-02065A-08-0138.

9 On April 25, 2008, Staff filed its amended Staff Report on the earlier filed applications and its
10 new Staff Report on the company's recently filed financing application.

11 On April 28, 2008, Mr. Daniel E. Furnas filed a Motion to Intervene. No objections were
12 filed to Mr. Furnas' Motion.

13 On June 5, 2008, by Procedural Order, Mr. Furnas was granted intervention.

14 On June 12, 2008, by Procedural Order, the Company's financing application in Docket No.
15 W-02065A-08-0138 was consolidated with the above-referenced proceedings and a procedural
16 conference was scheduled on June 30, 2008, concerning the respective applications.

17 On June 30, 2008, the Company and Staff appeared at the procedural conference with
18 counsel. Mr. Furnas did not appear. The parties discussed the pending issues in the proceeding and
19 the Company's counsel indicated that the Company no longer had any objections to any of Staff's
20 recommendations in the proceeding and was in agreement with them. However, before further action
21 could be taken on the respective applications, the presiding Administrative Law Judge determined
22 that the Company would have to provide Staff with updated expense figures on its financing request
23 with respect to its proposed new water source in Docket No. W-02065A-08-0138, which in part may
24 be affected by the outcome of the Company's pending Complaint against Walden Meadows
25 Community Co-op ("WMCC") in Docket No. W-02369A-08-0260, et al. Following the Company's
26 update, Staff was to file by August 4, 2008, a response which set forth its proposed alternatives for
27 financing and Staff's recommended base and commodity rates and surcharges for approval by the
28 Commission.

1 On August 4, 2008, after the Company provided Staff with updated expense figures related to
2 its financing for a new water source, Staff filed its response, and recommended two alternatives for
3 surcharges depending on the amount financed, but the surcharge amount could not be determined
4 until the Company's Complaint against WMCC was resolved after which the revenue needed to
5 service the debt on the amount to be financed could be determined.

6 On August 8, 2008, by Procedural Order, this proceeding and the time-frame were suspended
7 until further Order and until a resolution could be reached in Applicant's Complaint against WMCC
8 in Docket No. W-02369A-08-0260, et al.

9 On December 8, 2008, Applicant and WMCC filed a joint stipulation to dismiss the
10 Complaint in Docket No. W-02369A-08-0260, et al.

11 On December 16, 2008, by Procedural Order, the Complaint by the Company against WMCC
12 in Docket No. W-02369A-08-0260, et al. was dismissed.

13 Accordingly, a status conference should be scheduled in this proceeding.

14 IT IS THEREFORE ORDERED that a **status conference** shall be held on **January 21, 2009,**
15 **at 11:00 a.m.,** at the Commissioner's offices, 1200 West Washington Street, Hearing Room 1,
16 Phoenix, Arizona.

17 IT IS FURTHER ORDERED that the time-frame in the above-captioned rate proceeding shall
18 remain suspended until further Order

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

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

25 DATED this 18TH day of December, 2008.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 18th day of December, 2008 to:

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24 By: 
25 Debra Broyles
26 Secretary to Marc E. Stern
27
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