



0000092248

ORIGINAL

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2009 JAN -7 P 2:15

COMMISSIONERS

- KRISTIN K. MAYES, Chairman
- GARY PIERCE
- PAUL NEWMAN
- SANDRA D. KENNEDY
- BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JAN - 7 2009

DOCKETED BY	
-------------	--

IN THE MATTER OF THE APPLICATION OF  
SACRAMENTO UTILITIES, L.L.C. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WASTEWATER  
SERVICE IN MOHAVE COUNTY, ARIZONA.

DOCKET NO. SW-20576A-08-0067

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 4, 2008, Sacramento Utilities, LLC ("Sacramento" or "Company"), filed with the Arizona Corporation Commission ("Commission") an Application for a Certificate of Convenience and Necessity ("CCN") to provide wastewater service in an area of Mohave County, Arizona.

On February 22, 2008, the Commission's Utilities Division Staff ("Staff") notified the Company that its application was not sufficient pursuant to the Arizona Administrative Code.

On April 10, 2008, Sacramento filed a response to Staff's Insufficiency Letter.

On May 2, 2008, Staff filed a second Insufficiency Letter.

On June 10, and June 20, 2008, Sacramento filed responses to Staff's second Insufficiency Letter.

On July 1, 2008, Sacramento filed an affidavit of mailing regarding the notice sent to property owners in the proposed CC&N area.

On July 17, 2008, Staff issued a Sufficiency Letter to the Company stating that the application was sufficient.

By Procedural Order issued July 23, 2008, the matter was scheduled for hearing to begin September 9, 2008.

1 On August 11, 2008, Staff filed a Motion to Extend Time to file its Staff Report from August  
2 28, 2008 to September 5, 2008, due to unsuccessful attempts by Staff of contacting the Company.

3 Staff's extension request was granted verbally during a teleconference with the parties and  
4 Staff was directed to file its Staff Report by September 30, 2008. It was also agreed that the  
5 September 9, 2008, hearing date would be used for public comment only, and a new hearing date  
6 would be set at a later date.

7 On September 9, 2008, the public comment hearing was convened, but no members of the  
8 public appeared and offered comments. However, Staff indicated that it needed additional time to  
9 assess Sacramento's application, and Staff stated that it had concerns with the information provided  
10 by the Company. It was agreed by the parties that Staff should be granted an additional extension to  
11 file its Staff Report, with a hearing date to follow issuance of the Staff Report.

12 On October 30, 2008, a telephonic procedural conference was held and the parties agreed to a  
13 60-day extension of the time clock. The parties were directed to find a mutually acceptable time for a  
14 hearing and to make a recommendation accordingly.

15 On November 4, 2008, Staff filed a Request to Set a Hearing Date. Staff stated that the  
16 parties had mutually agreed to a hearing date during the week of January 26, 2009, and for the Staff  
17 Report to be filed by January 9, 2009.

18 A Procedural Order was issued on November 6, 2008, scheduling a hearing to commence on  
19 January 26, 2009, extending the time clock in this matter, and directing Staff to file its Staff Report  
20 by January 9, 2009.

21 On December 19, 2008, Staff filed a Motion to Extend Time. In its Motion, Staff stated that it  
22 has received new data from the Company and needs additional time to review the information. Staff  
23 requested that the filing date for the Staff Report be extended until January 16, 2009, but that the  
24 hearing date remain unchanged.

25 On December 22, 2008, the Company filed a Response stating that it does not object to Staff's  
26 extension request.

27 IT IS THEREFORE ORDERED that Staff's request for an extension of time to file its Staff  
28 report is granted and **Staff shall therefore file its Staff Report by no later than January 16, 2009.**

1 IT IS FURTHER ORDERED that, in all other respects, the November 6, 2008, Procedural  
2 Order shall remain in full force and effect.

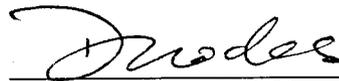
3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) continues to apply to this proceeding as the matter has been set for public hearing.

5 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
6 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

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

13 DATED this 7<sup>th</sup> day of January, 2009.



DWIGHT D. NODES  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed  
19 this 7<sup>th</sup> day of January, 2009 to:

20 Richard L. Sallquist  
21 SALLQUIST, DRUMMOND &  
22 O'CONNOR, P.C.  
1430 East Missouri, Suite B-125  
Phoenix, Arizona 85014  
Attorneys for Sacramento Utilities, LLC

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

23 Janice Alward, Chief Counsel  
24 Legal Division  
25 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

By:   
Debbi Person  
Assistant to Dwight D. Nodes