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BEFORE THE ARIZONA CORPORATI

IN THE MATTER OF THE APPLICATION )  
OF ARIZONA WATER COMPANY TO )  
EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY IN )  
CASA GRANDE, PINAL COUNTY, )  
ARIZONA. )

DOCKET NO.  
W-01445A-03-0559

REMANDED

At: Phoenix, Arizona  
Date: December 15, 2008  
Filed: December 31, 2008

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At the scheduled time of the Evidentiary Hearing  
Arizona Corporation Commission

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Corporation Commission, in Hearing Room 1 of said  
4 Commission, 1200 West Washington Street, Phoenix, Arizona,  
5 commencing at 10:00 a.m., on the 15th day of December,  
6 2008.

7

8 BEFORE: TEENA WOLFE, Administrative Law Judge

9

10 APPEARANCES:

11 For the Arizona Corporation Commission Staff:

12 Mr. Charles Hains  
13 Staff Attorney, Legal Division  
14 1200 West Washington Street  
Phoenix, Arizona 85007

15 For the Applicant:

16 ARIZONA WATER COMPANY  
17 By: Robert W. Geake, Attorney at Law  
18 Post Office Box 29006-9006  
Phoenix, Arizona 85038  
(Appearing via teleconference.)

19

For the Intervenor Cornman Tweedy:

20

21 SNELL & WILMER  
22 By: Jeffrey W. Crockett  
400 East Van Buren Street  
Phoenix, Arizona 85004

23

24

KATE E. BAUMGARTH, RPR  
Certified Reporter  
Certificate No. 50582

25

1 ALJ WOLFE: Let's go on the record.

2 Welcome to the Arizona Corporation Commission.  
3 This is the time and place set for the hearing ordered by  
4 Decision No. 69722 in the matter of the application of  
5 Arizona Water Company to extend its Certificate of  
6 Convenience and Necessity in Casa Grande, Pinal County,  
7 Arizona, Docket No. W-01445A-03-0559.

8 We will start this morning by taking appearances,  
9 beginning with Corman Tweedy.

10 MR. CROCKETT: Good morning, Your Honor.  
11 Jeff Crockett with Snell & Wilmer appearing on behalf of  
12 the intervenor Cornman Tweedy.

13 ALJ WOLFE: And for Arizona Water Company?

14 MR. GEAKE: Good morning, Your Honor. By  
15 telephone Robert W. Geake, vice president and general  
16 counsel for Arizona Water Company.

17 ALJ WOLFE: And for Commission Staff?

18 MR. HAINS: Thank you. Good morning, Your Honor.  
19 Charles Hains on behalf of Commission Staff.

20 ALJ WOLFE: Okay. It's my understanding that  
21 Arizona Water Company and Corman Tweedy have contacted the  
22 Hearing Division regarding availability of counsel for  
23 Arizona Water Company.

24 Mr. Geake, would you like to tell us what is it  
25 that you --

1 MR. GEAKE: Yes. Thank you, Your Honor.

2 I was contacted early this morning by our lead  
3 counsel, Steve Hirsch, of the firm Bryan Cave. As Your  
4 Honor is aware, he has represented us throughout the  
5 proceeding, and he informed me he was ill and would not be  
6 able to attend the hearing.

7 He also contacted by e-mail Mr. Crockett to let  
8 him know. I followed up with a call to the Hearing  
9 Division, which you just referred to, and also contacted  
10 Staff counsel to inform them of that.

11 ALJ WOLFE: Mr. Geake, does the company have any  
12 proposal as to how we should proceed?

13 MR. GEAKE: We do, Your Honor. It's a little  
14 more complicated because of other schedules. I will  
15 certainly let Mr. Crockett and Mr. Hains weigh in here.

16 The original idea was -- we have a hearing  
17 scheduled for Friday, and Your Honor knows we could in  
18 effect bump the Monday hearing over to Friday and then if  
19 necessary reschedule to another day, if necessary, for  
20 having the hearing that is now scheduled for Friday.

21 It appears that that won't work because of some  
22 scheduling problems affecting Mr. Crockett's witnesses, as  
23 I understand it, and a possible problem affecting  
24 Mr. Hains's availability because of another case.

25 ALJ WOLFE: Okay. Thank you, Mr. Geake.

1 Mr. Crockett?

2 MR. CROCKETT: Yes, Your Honor. Mr. Geake, I  
3 think, accurately summarized what has happened today.

4 With respect to the hearing, I had estimated that  
5 the hearing will take two days, and it would be our strong  
6 preference -- and Mr. Geake and I have discussed this and  
7 he has no objection -- that we find another time when we  
8 can get two hearing dates back-to-back so that we don't  
9 try to start a hearing on Friday and then maybe have  
10 three weeks or four weeks go by before we can get here.

11 Mr. Paul Hendricks, who is one of my witnesses,  
12 is going to be out of town on Friday. He had -- both he  
13 and Mr. Goldman had changed travel plans this week so that  
14 they would be available today. And so, you know, they are  
15 not able to -- Mr. Hendricks is not able to change his  
16 plans for Friday. And it also appears that Mr. Hains has  
17 a conflict with an open meeting item on Friday.

18 So I have brought my calendars for January and  
19 February and thought we might talk about possible dates  
20 where we could get two days in a row.

21 ALJ WOLFE: I have looked at the hearing calendar  
22 too so I am prepared to look at some dates.

23 Mr. Hains, do you have anything to add?

24 MR. HAINS: Nothing to add to what has been  
25 discussed by counsel for the other parties.

1 I just want to note that, as has been alluded to,  
2 I am also involved in the Southwest case that is being  
3 heard on Friday, as is my witness, who, because of that,  
4 if we do go forward on Friday and if Staff had to go on,  
5 we might have to coordinate how to pull them if we do a  
6 Friday hearing. That is just one complication.

7 ALJ WOLFE: I think with the open meeting being  
8 set for Friday, it would be best if we didn't go forward  
9 on Friday and we look at some other dates.

10 In January there are two dates available, on the  
11 22nd and 23rd.

12 MR. GEAKE: I'm sorry. I could not hear those.

13 ALJ WOLFE: January 22nd and 23rd. I don't know  
14 if you have access to Mr. Hirsch's schedule.

15 MR. GEAKE: I do and even Mr. Garfield and  
16 Mr. Schneider's. I have all of these papers in front of  
17 me here.

18 ALJ WOLFE: Okay. It's a Tuesday and Wednesday  
19 following the -- oh, I'm looking at the wrong January.

20 I need to look at January 2009. I hope I'm  
21 giving you the right dates.

22 MR. GEAKE: It's a Thursday and Friday?

23 ALJ WOLFE: That is a Thursday and Friday, yes.

24 MR. CROCKETT: Thursday and Friday, January 22nd  
25 and 23rd?

1 ALJ WOLFE: That's correct.

2 MR. CROCKETT: That -- let me look one moment.

3 It looks like that would be a good time for us.

4 MR. GEAKE: Believe it or not it looks like all  
5 of our calendars here are open. I can hardly believe it  
6 myself.

7 ALJ WOLFE: And for Staff?

8 MR. HAINS: Far be it from Staff --

9 MR. GEAKE: Let me double-check here.

10 No, I'm sorry. Mr. Hirsch, I apologize, he is  
11 not available those days.

12 ALJ WOLFE: I didn't bring the calendar to look  
13 into February, but if you would like to hold on, I will  
14 get a copy of the calendar. I didn't think we would have  
15 to move all the way to February.

16 I will look. Are there any other dates following  
17 the 22nd or 23rd that you have available, Mr. Geake?

18 MR. GEAKE: I --

19 ALJ WOLFE: I will let you look at that, and we  
20 will go off the record to get the calendar.

21 (Discussion off the record.)

22 ALJ WOLFE: Back on the record.

23 We had an off-the-record discussion regarding  
24 witnesses and attorney availability, and it has been  
25 determined that two days, consecutive dates for the

1 hearing are Thursday, January 29th and Friday,  
2 January 30th.

3 So we will reconvene and commence this hearing on  
4 Thursday, January 30th at 10:00 a.m.

5 MR. CROCKETT: The 30th or 29th?

6 ALJ WOLFE: I'm sorry. 29th, thank you.  
7 Thursday, January 29th at 10:00 a.m. and the second day of  
8 hearing will be on Friday, January 30th.

9 MR. CROCKETT: Thank you, Your Honor.

10 ALJ WOLFE: Are there any other procedural issues  
11 that the parties would like to discuss?

12 MR. GEAKE: I have none unless you have any, Jeff  
13 or Charles.

14 MR. CROCKETT: I do not.

15 ALJ WOLFE: Okay. I hope Mr. Hirsch has a speedy  
16 recovery.

17 MR. GEAKE: I appreciate that very much. I told  
18 Mr. Crockett in my experience this is highly unusual,  
19 hopefully in Your Honor's experience as well. I thank  
20 everyone for their cooperation. Particularly, Your Honor,  
21 thank you very much.

22 ALJ WOLFE: Thank you. We will see you on the  
23 29th.

24 (Whereupon, the hearing concluded at 10:16 a.m.)

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1 STATE OF ARIZONA )  
 ) ss.  
 2 COUNTY OF MARICOPA )

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I, KATE E. BAUMGARTH, RPR, Certified Reporter  
 No. 50582, for the State of Arizona, do hereby certify  
 that the foregoing printed pages constitute a full, and  
 accurate transcript of the proceedings had in the  
 foregoing matter, all done to the best of my skill and  
 ability.

WITNESS my hand this 31st day of November,  
 2008.

*Kate E. Baumgarth*  
 Kate E. Baumgarth, RPR  
 Certified Reporter, No. 50582