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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

2 COMMISSIONERS

2009 JAN 28 P 3 40

DOCKETED

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
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7 BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

JAN 28 2009

DOCKETED BY

6 IN THE MATTER OF THE APPLICATION OF
7 UTILITY SYSTEMS, LLC, DBA GARDNER
8 WATER COMPANY FOR A PERMANENT RATE
9 INCREASE.

DOCKET NO. W-20459A-08-0167

PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On March 21, 2008, Utility Systems, LLC, d/b/a Gardner Water Company ("Company" or
11 "Gardner") filed with the Arizona Corporation Commission ("Commission") an application for an
12 increase in its water rates.

13 On April 17, 2008, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter
14 indicating the Company's application had not met the sufficiency requirements as outlined in the
15 Arizona Administrative Code ("A.A.C."), and provided Gardner with Staff's First Set of Data
16 Requests.

17 On May 19, 2008, the Company filed its responses to Staff's data requests.

18 On June 19, 2008, Staff filed its Second Letter of Deficiency and Second Set of Data
19 Requests, and on July 9, 2008, the Company responded to the data requests.

20 On August 7, 2008, Staff filed its Third Letter of Deficiency and Third Set of Data Requests,
21 and on August 22, 2008, the Company responded to the data requests.

22 On September 22, 2008, Staff filed a Letter of Sufficiency in this matter, and indicated that
23 the Staff Report would be filed by November 21, 2008. Staff determined that Gardner is a class E
24 utility and pursuant to A.R.S. § 40-250(A) the Commission may decide this case without a hearing.

25 On November 21, 2008, Staff filed a Motion to Suspend Timeclock for 30 Days. The
26 Company did not object to the request.

27 By Procedural Order dated December 3, 2008, Staff was granted until December 22, 2008, to
28 file its Staff Report and the deadline in this matter was extended accordingly.

1 On December 5, 2008, the Company filed correspondence relating to work performed by Mr.
2 Jeff Daniels on its behalf.

3 On December 22, 2008, Staff filed its Staff Report recommending approval of Staff's rates
4 and charges.

5 The Company has not responded to the Staff Report.

6 IT IS THEREFORE ORDERED that **Gardner shall file its comments to the Staff Report,**
7 **indicating whether it agrees with or objects to the Staff Report, no later than February 10,**
8 **2009.**

9 IT IS FURTHER ORDERED that **Staff shall file its response** to the Company's comments
10 no later than **February 17, 2009.**

11 IT IS FURTHER ORDERED that a **telephonic procedural conference** in the above-
12 captioned matter shall be held on **February 20, 2009, at 10:30 a.m.,** or as soon thereafter as is
13 practicable and that all parties shall contact the Hearing Division on **February 13, 2009, at 602-542-**
14 **4250 for further information regarding the call-in phone number.**

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

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

20 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
22 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
23 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
24 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
25 the Administrative Law Judge or the Commission.

26 IT IS FURTHER ORDERED that the timeclock in this matter is suspended pursuant to
27 A.A.C. R14-2-411(C)(8).

28

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

3 Dated this 27th day of January, 2009.

4
5
6 
7 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

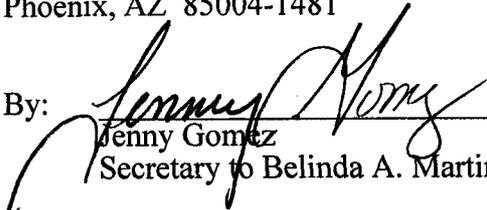
8 Copies of the foregoing mailed/delivered
9 this 27th day of January, 2009 to:

10 Jeffrey Daniels
11 UTILITY SYSTEMS, LLC, DBA
12 CHRISTOPER CREEK HAVEN WATER
COMPANY
13 HC 2 Box 164-H
Payson, Arizona 85541-8380

14 Janice Alward, Chief Counsel
15 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

16 Ernest G. Johnson
17 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
18 Phoenix, Arizona 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

21 By: 
22 Jenny Gomez
23 Secretary to Belinda A. Martin