



0000093898

**ORIGINAL**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**RECEIVED**

Arizona Corporation Commission

2 COMMISSIONERS

2009 FEB 20 P 1: 58

**DOCKETED**

- 3 KRISTIN K. MAYES, Chairman
- 4 GARY PIERCE
- 5 PAUL NEWMAN
- 6 SANDRA D. KENNEDY
- 7 BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

FEB 20 2009

DOCKETED BY	<i>[Signature]</i>
-------------	--------------------

6 IN THE MATTER OF THE APPLICATION OF  
 7 JOHNSON UTILITIES, L.L.C., DBA JOHNSON  
 8 UTILITIES COMPANY FOR AN INCREASE IN  
 9 ITS WATER AND WASTEWATER RATES FOR  
 CUSTOMERS WITHIN PINAL COUNTY,  
 ARIZONA.

DOCKET NO. WS-02987A-08-0180

**PROCEDURAL ORDER**

10 **BY THE COMMISSION:**

11 On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company (“Johnson”) filed  
 12 with the Arizona Corporation Commission (“Commission”) an application for increases in its water  
 13 and wastewater utility rates.

14 On August 15, 2008, by procedural order, a hearing in this matter was scheduled to  
 15 commence on April 23, 2009, public notice was ordered, and other filing dates were established.

16 Intervention in this proceeding has been granted to Swing First Golf, LLC (“Swing First”) the  
 17 Residential Utility Consumer Office and the Town of Florence.

18 On February 17, 2009, Swing First made two filings: a Motion for Leave to File  
 19 Supplemental Direct Testimony, and an Emergency Motion to Prohibit Inappropriate Contact.

20 On February 19, 2009, a procedural order was issued directing Johnson to file a Response to  
 21 the Emergency Motion to Prohibit Inappropriate Contact, and setting a procedural conference for the  
 22 purpose of allowing the parties to present their arguments regarding Swing First Golf, LLC’s  
 23 Emergency Motion to Prohibit Inappropriate Contact.

24 Also on February 19, 2009, Johnson made two filings: a Motion to Strike Pre-Filed Direct  
 25 Testimony of David Ashton on Behalf of Intervenor Swing First Golf and Response to Swing First  
 26 Golf’s Motion for Leave to File Supplemental Direct Testimony, and a Motion to Compel Discovery.

27 The scope of the procedural conference currently set for February 26, 2009, should be  
 28 expanded to allow the parties to present their arguments regarding Johnson’s Motion to Strike Pre-

1 Filed Direct Testimony of David Ashton on Behalf of Intervenor Swing First Golf; and Response to  
2 Swing First Golf's Motion for Leave to File Supplemental Direct Testimony.

3 IT IS THEREFORE ORDERED that the procedural conference currently scheduled to  
4 commence on **February 26, 2009, at 1:00 p.m.** or as soon thereafter as is practicable, at the  
5 Commission's offices, 1200 West Washington Street, Conference Room 100, Phoenix, Arizona  
6 85007, shall be for the purpose of allowing the parties to present their arguments regarding Swing  
7 First Golf, LLC's Emergency Motion to Prohibit Inappropriate Contact, and for the purpose of  
8 allowing the parties to present their arguments regarding Johnson Utilities, LLC, dba Johnson  
9 Utilities Company's Motion to Strike Pre-Filed Direct Testimony of David Ashton on Behalf of  
10 Intervenor Swing First Golf; and Response to Swing First Golf's Motion for Leave to File  
11 Supplemental Direct Testimony, and Johnson Utilities, LLC, dba Johnson Utilities Company's  
12 Motion to Compel Discovery.

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

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

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

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

27 ...

28 ...

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED this 20<sup>th</sup> day of February, 2009.

  
TEENA WOLFE  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 20<sup>th</sup> day of February, 2009 to:

Jeffrey W. Crockett, Esq.  
Bradley S. Carroll, Esq.  
Kristoffer P. Kiefer, Esq.  
SNELL & WILMER LLP  
One Arizona Center  
400 East Van Buren Street  
Phoenix, Arizona 85004-2202  
Attorneys for Johnson Utilities, LLC

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007-2927

Craig A. Marks  
CRAIG A. MARKS, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, Arizona 85028  
Attorney for Swing First Golf, LLC

By:   
Debra Broyles  
Secretary to Teena Wolfe

Daniel Pozefsky, Chief Counsel  
RESIDENTIAL UTILITY  
CONSUMER OFFICE  
1110 West Washington Street, Suite 220  
Phoenix, AZ 85007-2958

James E. Mannato, Town Attorney  
TOWN OF FLORENCE  
775 North Main Street  
P.O. Box 2670  
Florence, AZ 85232-2670

Janice Alward, Chief Counsel  
Nancy Scott, Staff Attorney  
Ayesha Vora, Staff Attorney  
Legal Division  
1200 West Washington Street  
Phoenix, AZ 85007-2927