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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

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

8 IN THE MATTER OF THE APPLICATION OF
 9 JOHNSON UTILITIES, L.L.C., DBA JOHNSON
 UTILITIES COMPANY FOR AN INCREASE IN
 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"),
 17 the Residential Utility Consumer Office ("RUCO"), 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, Johnson made two filings: a Motion to Strike Pre-Filed Direct
 21 Testimony of David Ashton on Behalf of Intervenor Swing First Golf and Response to Swing First
 22 Golf's Motion for Leave to File Supplemental Direct Testimony, and a Motion to Compel Discovery.

23 A Procedural Conference was held as scheduled on February 26, 2009, for the purpose of
 24 allowing the parties to present their arguments regarding Swing First Golf, LLC's Emergency Motion
 25 to Prohibit Inappropriate Contact, and for the purpose of allowing the parties to present their
 26 arguments regarding Johnson Utilities, LLC, dba Johnson Utilities Company's Motion to Strike Pre-
 27 Filed Direct Testimony of David Ashton on Behalf of Intervenor Swing First Golf; and Response to
 28 Swing First Golf's Motion for Leave to File Supplemental Direct Testimony, and Johnson Utilities,

AS
EP

1 LLC, dba Johnson Utilities Company's Motion to Compel Discovery. Johnson, Swing First, RUCO
2 and Staff appeared through counsel.

3 At the Procedural Conference, Swing First agreed to withdraw the testimony of David Ashton
4 and to file in its place direct testimony of Sonn S. Rowell. Johnson agreed to file rebuttal testimony
5 to the replacement testimony by March 20, 2009.

6 On February 27, 2009, Johnson filed a request to extend the March 20, 2009, deadline to
7 March 23, 2009, due to unavailability of counsel.

8 On March 2, 2009, Swing First filed its Notice of Filing Revised Direct Testimony. The
9 filing includes the Revised Direct Testimony of David Ashton and the Revised Direct Testimony of
10 Sonn S. Rowell, both dated March 2, 2009. The Notice of Filing Revised Direct Testimony states
11 that Swing First withdraws the Direct Testimony of David Ashton, dated February 3, 2009, the
12 Supplemental Direct Testimony of David Ashton, dated February 17, 2009, and the Direct Testimony
13 of Sonn S. Rowell, dated February 25, 2009.

14 Johnson's request for a time extension is reasonable and should be granted.

15 IT IS THEREFORE ORDERED that the date for Johnson Utilities, LLC, dba Johnson
16 Utilities Company to file rebuttal to the Revised Direct Testimony of David Ashton and the Revised
17 Direct Testimony of Sonn S. Rowell, both dated March 2, 2009, is hereby extended to March 23,
18 2009.

19 IT IS FURTHER ORDERED that all remaining procedural deadlines remain in place.

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

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

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

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

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

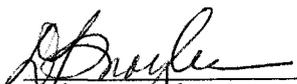
9 DATED this 5th day of March, 2009.

11
12 
13 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 5th day of March, 2009 to:

16 Jeffrey W. Crockett, Esq.
17 Bradley S. Carroll, Esq.
18 Kristoffer P. Kiefer, Esq.
19 SNELL & WILMER LLP
20 One Arizona Center
21 400 East Van Buren Street
22 Phoenix, Arizona 85004
23 Attorneys for Johnson Utilities, LLC
24
25 Craig A. Marks
26 CRAIG A. MARKS, PLC
27 10645 N. Tatum Blvd., Suite 200-676
28 Phoenix, Arizona 85028
Attorney for Swing First Golf, LLC
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
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007-2927
Ernest G. Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007-2927

By: 
Debra Broyles
Secretary to Teena Wolfe