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BEFORE THE ARIZONA CORPORATION COMMISSION

2009 APR -1 A 10: 25

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
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SANDRA D. KENNEDY  
BOB STUMP

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR - 1 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
WAYWARD WINDS FOR A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
WATER SERVICE IN COCHISE COUNTY,  
ARIZONA.

DOCKET NO. W-20553A-08-0467

PROCEDURAL ORDER

**BY THE COMMISSION:**

On September 8, 2008, Wayward Winds ("Wayward Winds" or "Company") filed with the Arizona Corporation Commission ("Commission") an Application for a Certificate of Convenience and Necessity to provide water service in Cochise County, Arizona.

On November 7, 2008, Staff notified the Company that its Application was sufficient pursuant to the Arizona Administrative Code ("A.A.C.").

A hearing on this matter was held at the Commission's Tucson offices on January 23, 2009. At the hearing, the Commission learned the Notice of Hearing was not mailed to the property owners in the affected area, as directed in the November 14, 2008, Procedural Order setting the hearing.

Pursuant to a Procedural Order filed January 27, 2009, the Company filed a copy of the Notice of Hearing mailed to all current property owners in the affected area. However, the Company's filing indicated that instead of two owners as testified to at the January 23, 2009, hearing, there now appears to be five owners. This raises an issue regarding sufficiency of requests for service.

Accordingly, a Procedural Conference should be held to address resolution of this issue.

IT IS THEREFORE ORDERED that a **telephonic procedural conference** in the above-captioned matter shall be held on **April 9, 2009, at 10:00 a.m.**, or as soon thereafter as is practicable, and that all parties shall contact the Hearing Division on **April 7, 2009, at 602-542-4250 for further**

1 information regarding the call-in phone number. Parties may also attend in person at the  
2 Commission's Tucson offices, Room 218, 400 West Congress.

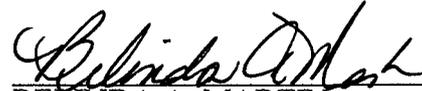
3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) applies to this proceeding as the matter is now set for public hearing.

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

8 IT IS FURTHER ORDERED that the timeclock in this matter is suspended pursuant to  
9 A.A.C. R-14-2-411(C)(8).

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

12 DATED this 30<sup>th</sup> day of March, 2009.

13  
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15   
16 BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

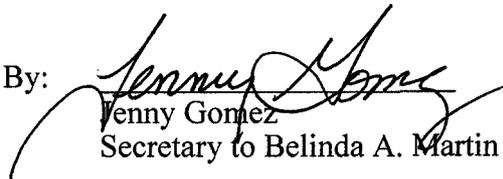
17 Copies of the foregoing mailed  
18 this 30<sup>th</sup> day of March, 2009 to:

19 N. D. Bales  
20 WAYWARD WINDS  
21 5416 East Highway 181  
Pearce, Arizona 85625

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

22 Janice Alward, Chief Counsel  
23 Legal Division  
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24 1200 West Washington Street  
Phoenix, Arizona 85007

25 Ernest Johnson, Director  
26 Utilities Division  
ARIZONA CORPORATION COMMISSION  
27 1200 West Washington Street  
Phoenix, Arizona 85007

28  
By:   
Jenny Gomez  
Secretary to Belinda A. Martin