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BEFORE THE ARIZONA CORPORATION

IN THE MATTER OF THE APPLICATION	)	DOCKET NO.
OF WAYWARD WINDS FOR A CERTIFICATE	)	W-20553A-08-0467
OF CONVENIENCE AND NECESSITY TO	)	
PROVIDE WATER SERVICE IN COCHISE	)	TELEPHONIC
COUNTY, ARIZONA.	)	PROCEDURAL
	)	CONFERENCE

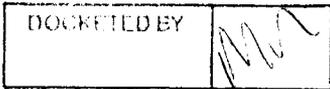
At: Tucson, Arizona  
 Date: April 9, 2009  
 Filed: **APR 22 2009**

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Arizona Corporation Commission  
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By: JODY L. LENSCHOW, RMR, CRR  
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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 Room 218 of said  
4 Commission, 400 West Congress, Tucson, Arizona, commencing  
5 at 10:01 a.m. on the 9th day of April, 2009.

6 BEFORE: Belinda A. Martin, Administrative Law Judge  
7

8 APPEARANCES:

9 For the Arizona Corporation Commission Staff:  
10 (APPEARING TELEPHONICALLY)

11 Mr. Kevin Torrey  
12 Staff Attorney, Legal Division  
13 1200 W. Washington Street  
14 Phoenix, Arizona 85007-2927

15 For the Applicant:  
16 (In Propria Persona)  
17 (APPEARING TELEPHONICALLY)

18 Mr. N.D. Bales  
19 Mr. David MacKay  
20 5416 E. Highway 181  
21 Pearce, Arizona 85625

22 JODY L. LENSCHOW, RMR, CRR  
23 Certified Reporter  
24 Certificate No. 50192  
25 (APPEARING TELEPHONICALLY)

1 ALJ MARTIN: Let's go on the record. This is  
2 the time set for a procedural conference in Docket  
3 No. W-02553A-08-0467 in the matter of the application of  
4 Wayward Winds for a certificate of convenience and  
5 necessity; and good morning, everybody. Welcome to the  
6 Corporation Commission. My name is Belinda Martin, the  
7 administrative law judge assigned to this matter.

8 At this time I would like to take appearances  
9 for the parties, and we have today on behalf of the  
10 applicant, please?

11 Please identify yourself for Wayward Winds.

12 MR. MACKAY: David MacKay with Wayward Winds,  
13 M-A-C capital K-A-Y.

14 MR. BALES: Mr. Bales, Wayward Winds, B-A-L-E-S.

15 ALJ MARTIN: Thank you. And on behalf of Staff?

16 MR. TORREY: Your Honor, Kevin Torrey on behalf  
17 of Commission Staff.

18 ALJ MARTIN: All right, thank you. I scheduled  
19 this procedural conference to attempt to resolve a couple  
20 of issues. The first issue came up regarding the number  
21 of owners in the request for service.

22 Mr. Bales and Mr. MacKay, when you filed your  
23 late-filed exhibit showing notice to property owners,  
24 there were a few more owners listed than we had originally  
25 discussed at the hearing. So one question I had for

1 Staff, I had sent an e-mail regarding an issue about since  
2 there were now more owners than we thought, was the notice  
3 sufficient, or did we have to have requests for all of  
4 these owners; and, Mr. Torrey, did you ever arrive at an  
5 answer for that, or what happened after I inquired about  
6 that?

7 MR. TORREY: Your Honor, Staff contacted the  
8 company, and we just weren't certain as to what the  
9 meaning was of the exhibit that the company had filed. We  
10 were unable to figure out who the five names belonged to,  
11 I mean what association they had with the company and  
12 whether they were, in fact, owners of the property within  
13 the CC&N area or whether they were just people who were  
14 either prospective buyers or had some other association  
15 with the company; and without the answers to those  
16 questions, it was hard to answer your particular question  
17 regarding notice.

18 ALJ MARTIN: Okay. Mr. Bales, Mr. MacKay, I  
19 noticed I got your late-filed exhibit showing that, you  
20 know, you had provided the notice required in the  
21 procedural order to those folks. Is it your assertion  
22 that these people are all property owners within the CC&N  
23 area?

24 MR. MACKAY: Yes, they are; and we also gave  
25 Kiana which parcels that these individuals purchased,

1 also.

2 ALJ MARTIN: So Ms. Sears has that information?

3 MR. MACKAY: Sure does. We sent it all to her.

4 ALJ MARTIN: When did that occur?

5 MR. MACKAY: A month ago.

6 ALJ MARTIN: Oh, okay. Do you have a copy of  
7 that?

8 MR. MACKAY: I sent it at the same time that we  
9 sent out the hearing notices before, I believe,  
10 February 16th, on which they had their last time to talk  
11 to you. Sent it out early February to all five, because  
12 Mr. Bales and I, when we first had this hearing on the  
13 23rd, we were under the impression from Mr. Moffitt that  
14 it was him that had the basic subdivision there, and  
15 Mr. Olson, were the only two that had it; and then, of  
16 course, we all found out that there was three more  
17 property owners.

18 We got the legal descriptions, we got the --  
19 which we didn't understand why we needed all of that, but  
20 we got their -- we got the plat map and which parcels they  
21 purchased, all the three individuals, sent them certified  
22 notices, got responses from them, and sent to Ms. Sears  
23 all that information.

24 ALJ MARTIN: So you sent it directly to her; you  
25 did not file it with Docket Control?

1 MR. MACKAY: Docket Control.

2 ALJ MARTIN: Okay. I'm going to go off the  
3 record for a moment.

4 (An off-the-record discussion ensued.)

5 ALJ MARTIN: While we were off the record, there  
6 was a discussion about the necessity for information  
7 regarding ownership of various parcels, and the parties  
8 will file a late-filed exhibit regarding who currently  
9 owns the various parcels, which is to be acquired, I  
10 guess, from Mr. Moffitt, who is the main owner of the  
11 property. The parties have agreed to do that.

12 Also discussed was a late-filed exhibit  
13 regarding the requirement for a franchise agreement for an  
14 irrigation CC&N, and the parties will be filing a  
15 late-filed exhibit for that. Is that your understanding,  
16 Mr. Torrey?

17 MR. TORREY: Yes, Your Honor. It's my  
18 understanding that we will contact Mr. Moffitt and get an  
19 explanation of the entire CC&N area and delineation of who  
20 the specific owners are within that area and what lots  
21 those particular people are associated with, that we will  
22 be able to use to match up with the exhibit filed by the  
23 company on February 11th; and it's also my understanding  
24 that the second exhibit will be some sort of statement  
25 from Staff that Ms. Sears and I have spoken with Cochise

1 County to verify whether or not Cochise County considers  
2 irrigation water to fall within the language that was  
3 filed in the copy of the generic franchise agreement.

4 ALJ MARTIN: All right. Thank you, Mr. Torrey.

5 Mr. Bales, Mr. MacKay, is that your  
6 understanding of what the discussion was while we were off  
7 the record?

8 MR. MACKAY: Yes, it was.

9 And one thing, Your Honor. I'm obviously going  
10 to talk to Mr. Moffitt and get this information, and,  
11 also, Staff and the Commission is going to. Should I wait  
12 for a copy from the Staff, also, and send my copy to  
13 Docket so that they have both copies from him? It's  
14 basically the same information. They're going to be  
15 getting it and I'm going to be getting it.

16 ALJ MARTIN: I'm sorry, I'm a little confused.  
17 What are you asking to do?

18 MR. MACKAY: I'm going to be getting the  
19 information from Josh, also, Mr. Moffitt, about the  
20 property owners and what parcels that they have.

21 ALJ MARTIN: Uh-huh.

22 MR. MACKAY: And I'm going to be receiving that  
23 from him, but I think Staff and the Commission is asking  
24 him, also, for this information.

25 ALJ MARTIN: Uh-huh.

1 MR. MACKAY: Now, is Staff or Kiana or anybody  
2 sending me their information also, and then it's just  
3 basically duplicated information that I'm going to file  
4 with the Docket Center?

5 ALJ MARTIN: Whatever information you get from  
6 Mr. Moffitt is what you should file with Docket Control,  
7 with a cover letter.

8 MR. MACKAY: Okay.

9 ALJ MARTIN: Does that answer your question?  
10 Does that answer your question?

11 MR. MACKAY: Yes.

12 ALJ MARTIN: Okay. All right. Okay, are there  
13 any other issues?

14 MR. TORREY: None from Staff, Your Honor.

15 ALJ MARTIN: Mr. Bales or Mr. MacKay, any other  
16 issues?

17 MR. MACKAY: No, Your Honor.

18 ALJ MARTIN: Then thank you very much for your  
19 time, everybody. I appreciate it, and let's go off the  
20 record.

21 (The telephonic procedural conference concluded  
22 at 10:33 a.m.)

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

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I, JODY L. LENSCHOW, RMR, CRR, Certified  
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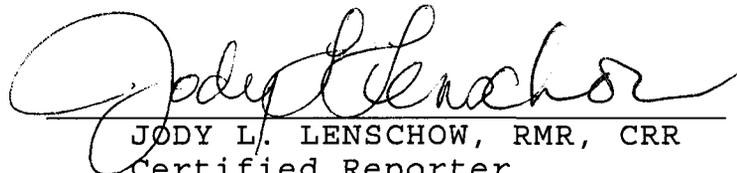
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