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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 JUN 30 P 12:33

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF  
ANTELOPE RUN WATER COMPANY FOR AN  
EMERGENCY SURCHARGE  
IMPLEMENTATION.

DOCKET NO. W-02327A-09-0284

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 2, 2009, Antelope Run Water Company ("ARWC" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for the emergency implementation of a surcharge. The Company asserts the water system faces severe pressure and pumping problems and ARWC also asserts it is in dire financial straights and does not have the financial resources to pay for the necessary improvements. ARWC seeks a monthly surcharge of \$43.51 per customer in order to provide needed repairs to the Company's water system.

On June 26, 2009, a Procedural Conference was held at which the parties discussed a tentative schedule for filing deadlines and hearing dates. The owner of ESWC also owns two other companies, Antelope Run Water Company ("ARWC") and Indiada Water Company ("IWC"), for which the owner has also filed applications with the Commission for emergency surcharges: ARWC is Docket No. W-02327A-09-0284, and IWC is Docket No. W-02031A-09-0285.

At the Procedural Conferences for the three dockets, the parties determined that for purposes of administrative efficiency and convenience, the hearings for the three companies should be held consecutively. Following the first hearing for ESWC at 10:00a.m., the hearing for ARWC will be heard at 11:00 a.m., or upon conclusion of the hearing for ESWC, whichever is later. The hearing for IWC will be heard at 12:00 p.m., or upon conclusion of the hearing for ARWC, whichever is later.

For the public's convenience, public comment on all three matters will be taken at 9:30 a.m., prior to the start of the first hearing.

1 Accordingly, a hearing shall be held to determine if an emergency exists pursuant to Attorney  
2 General Opinion No. 71-17 and whether an emergency increase/surcharge should be granted.

3 Pursuant to A.A.C. R14-3-101, the Commission makes the following orders governing the  
4 preparation and conduct of this matter.

5 IT IS THEREFORE ORDERED the **hearing on this application shall commence on August**  
6 **18, 2009, at 11:00 a.m. or immediately upon completion of the hearing for East Slope Water**  
7 **Company, scheduled to begin at 10:00 a.m. in Docket No. W-01906A-09-0283, whichever is later,**  
8 at the Commission's Tucson offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

9 IT IS FURTHER ORDERED that **Public Comment in this matter shall be heard on August**  
10 **18, 2009, at 9:30 a.m.** at the Commission's Tucson offices, 400 West Congress, Room 222, Tucson,  
11 Arizona 85701.

12 IT IS FURTHER ORDERED that the **Staff Report** shall be filed on or before **July 24, 2009.**

13 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
14 except that **all motions to intervene must be filed on or before August 4, 2009.**

15 IT IS FURTHER ORDERED that **any objections** to the Staff Report or motions for  
16 intervention **must be filed on or before August 12, 2009.**

17 IT IS FURTHER ORDERED that the Company shall provide public notice of the  
18 Commission's hearing by **mailing the following notice to each customer** in the Company's affected  
19 service area **on or before July 22, 2009:**

20  
21 **PUBLIC NOTICE OF THE HEARING ON ANTELOPE RUN WATER COMPANY'S**  
22 **REQUEST FOR AN**  
23 **EMERGENCY WATER RATE INCREASE/SURCHARGE**  
24 **DOCKET NO. W-02327A-09-0284**

25 Antelope Run Water Company ("Company") has requested the Arizona Corporation  
26 Commission determine if an emergency increase/surcharge of approximately \$43.51 per  
27 customer, per month should be granted. Such surcharge would increase the average  
28 monthly customer bill, based on 8000 gallons of usage, from \$19.50 to \$63.01.  
According to the request, the Company's water system has severe water pressure and  
pumping problems which must be addressed. The Company asserts that it does not have  
the funds necessary to effectuate needed repairs. The Commission may approve the  
amount of the request or modify the amount higher or lower, or may deny the request.

1 THE COMMISSION WILL HOLD A PUBLIC EVIDENTIARY HEARING ON  
2 AUGUST 18, 2009, AT 11:00 A.M., OR UPON COMPLETION OF THE  
3 HEARING SCHEDULED TO BEGIN AT 10:00 A.M. IN DOCKET NO. W-  
4 01906A-09-0283, WHICHEVER IS LATER, AT THE COMMISSION'S TUCSON  
OFFICES AT 400 WEST CONGRESS, ROOM 222, TUCSON, ARIZONA 85701.  
CUSTOMERS CAN ATTEND THE HEARING AND MAKE PUBLIC COMMENT,  
OR FILE WRITTEN COMMENTS WITH THE COMMISSION.

5 PUBLIC COMMENT ON THIS MATTER WILL BE HEARD AT 9:30 A.M. ON  
6 AUGUST 18, 2009, AT THE COMMISSION'S TUCSON OFFICES AT 400  
7 WEST CONGRESS, ROOM 222, TUCSON, ARIZONA 85701. INTERESTED  
8 PARTIES MAY INTERVENE THROUGH AUGUST 4, 2009.

9 IF YOU DESIRE MORE INFORMATION ON HOW TO INTERVENE OR SUMBIT  
10 PUBLIC COMMENT, CONTACT THE COMMISSION'S CONSUMER SERVICES  
11 SECTION AT 1-800-222-7000. THE APPLICATION AND ALL FILINGS ARE  
12 AVAILABLE ON THE INTERNET VIA THE COMMISSION WEBSITE  
13 (WWW.AZCC.GOV) USING THE E-DOCKET FUNCTION.

14 The Commission does not discriminate on the basis of disability in admission to its  
15 public meetings. Persons with a disability may request a reasonable accommodation  
16 such as sign language interpreter, as well as request this document in an alternative  
17 format, by contacting Guadalupe Ortiz, ADA Coordinator, voice phone number 602-  
18 542-3931, E-mail gnortiz@azcc.gov. Requests should be made as early as possible to  
19 allow time to arrange the accommodation.

20 IT IS FURTHER ORDERED that the Company shall file with the Commission's Docket  
21 Control no later than July 31, 2009, certification that public notice was given in accordance with  
22 this Procedural Order.

23 IT IS FURTHER ORDERED that notice in accordance with this Procedural Order shall be  
24 deemed complete upon the mailing of notice, notwithstanding the failure of an individual customer to  
25 read or receive the notice.

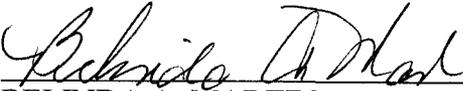
26 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
27 Communications) applies to this proceeding as the matter is now set for public hearing.

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

29 ...  
30 ...  
31 ...  
32 ...

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 29<sup>th</sup> day of June, 2009.

4   
5 BELINDA A. MARTIN  
6 ADMINISTRATIVE LAW JUDGE

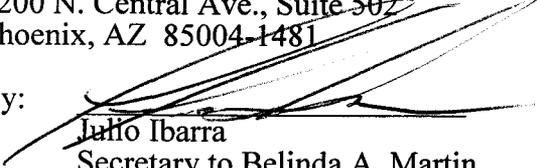
7 Copies of the foregoing mailed/delivered  
8 This 29<sup>th</sup> day of June, 2009 to:

9 Bonnie L. O'Connor, President  
10 SOUTHWESTERN UTILITIES  
11 MANAGEMENT, INC. for  
12 EAST SLOPE WATER COMPANY  
13 P.O. Box 85160  
14 Tucson, Arizona 85754

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
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15 Janice Alward, Chief Counsel  
16 Legal Division  
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18 1200 West Washington Street  
19 Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 N. Central Ave., Suite 502  
Phoenix, AZ 85004-1481

By:   
Julio Ibarra  
Secretary to Belinda A. Martin