

ORIGINAL



0000101583

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

RECEIVED

Arizona Corporation Commission

2009 AUG 11 P 1:23

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

AUG 11 2009

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION
OF CUP OF GOLD SUBDIVISION, AN
ARIZONA NON-PROFIT CORPORATION,
FOR ADJUDICATION NOT A PUBLIC
SERVICE CORPORATION.

DOCKET NO. W-20637A-08-0560

PROCEDURAL ORDER
SETTING A HEARING

BY THE COMMISSION:

On November 5, 2008, the Cup of Gold Subdivision, an Arizona non-profit corporation, ("Cup of Gold" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission") for Adjudication Not a Public Service Corporation.

On January 15, 2009, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter in this docket stating the Applicant's application had not met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On June 29, 2009, Cup of Gold filed a supplement to its application consisting of the legal description specifying the metes and bounds of its service area.

On July 28, 2009, Staff filed a Sufficiency Letter indicating the Applicant's application had met the sufficiency requirements of the A.A.C.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall begin on **September 28, 2009, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Applicant shall provide **public notice of the hearing**, in the following form and style, and with heading in no less than 12 point bold type and the body in no less than 10 point regular type:

1
2
3
4

**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF CUP OF
GOLD SUBDIVISION, AN ARIZONA NON-PROFIT CORPORATION,
FOR ADJUDICATION NOT A PUBLIC SERVICE CORPORATION.**
(Docket No. W-20637A-08-0560)

5
6
7
8
9
10

On November 5, 2008, Cup of Gold Subdivision, an Arizona non-profit corporation, ("Applicant") filed an application with the Arizona Corporation Commission ("Commission") for an Adjudication Not a Public Service Corporation. If Applicant is adjudicated not to be a public service corporation, Applicant's rates and service in the adjudicated area will not be regulated by the Commission. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the application, and the Commission is not bound by the proposals made by the Applicant, Staff, or any intervenors. The Commission will issue a decision regarding the application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application are available at the Applicant's offices [insert address] and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

11
12
13
14
15
16

The Commission will hold a hearing on the application on **September 28, 2009, at 10:00 a.m.**, at the Commission's offices, in Room 100, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-20637A-08-0560 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or via e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/publiccomment.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

17
18
19
20

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **September 11, 2009**, and send a copy of the motion to the Applicant or its counsel and to all parties of record. Your motion to intervene must contain the following:

- 21
22
23
24
25
1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
 2. A short statement of your interest in the proceeding (e.g., property owner, etc.); and
 3. A statement certifying that you have mailed a copy of the motion to intervene to the Applicant or its counsel and to all parties of record in the case.

26
27
28

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **September 11, 2009**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the

1 Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.
2 The granting of intervention, among other things, entitles a party to present sworn
3 evidence at hearing and to cross-examine other witnesses. However, failure to
4 intervene will not preclude any interested person or entity from appearing at the
5 hearing and providing public comment on the application or from filing written
6 comments in the record of the case.

7
8 The Commission does not discriminate on the basis of disability in admission to its
9 public meetings. Persons with a disability may request a reasonable accommodation
10 such as a sign language interpreter, as well as request this document in an alternative
11 format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail:
12 sabernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as
13 early as possible to allow time to arrange the accommodation.

14
15 IT IS FURTHER ORDERED that the Applicant shall mail to each property owner in the Cup
16 of Gold Subdivision, a copy of the above notice and cause the above notice to be published in a
17 newspaper of general circulation in the requested adjudication area, with publication and mailing to
18 be completed no later than **September 1, 2009**.

19
20 IT IS FURTHER ORDERED that the Applicant shall file certification of mailing and
21 publication as soon as practicable after the mailing and publication have been completed, but no later
22 than **September 18, 2009**.

23
24 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
25 publication of the same, notwithstanding the failure of an individual to read or receive the notice.

26
27 IT IS FURTHER ORDERED that the Staff Report shall be filed on or before **September 1,**
28 **2009**.

IT IS FURTHER ORDERED that any objections to the Staff Report shall be made in writing
and filed on or before **September 18, 2009**.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
except that all motions to intervene shall be filed on or before **September 11, 2009**.

IT IS FURTHER ORDERED that objections to any motions to intervene shall be filed by
September 18, 2009.

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 the practice of law and admission
pro hac vice.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
2 Rules of the Arizona Supreme Court). Representation before the Commission includes appearing at
3 all hearings, procedural conferences, and Open Meetings at which the matter is scheduled for
4 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
5 Law Judge or the Commission.

6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.C.C. R14-3-113 – Unauthorized
7 Communications) applies to this proceeding and shall remain in effect until the Commission’s
8 Decision in this matter is final and non-appealable.

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

11 DATED this 11th day of August, 2009.

12
13
14 
15 YVETTE B. KINSEY
16 ADMINISTRATIVE LAW JUDGE

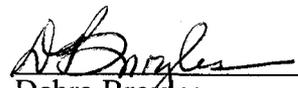
17 Copies of the foregoing mailed/delivered
18 this 11th day of August, 2009 to:

19 Bill Stephens
20 BILL STEPHENS, P.C.
21 4647 North 32nd Street, No. 285
22 Phoenix, Arizona 85018
23 Attorney for Applicant

24 Janice Alward, Chief Counsel
25 Legal Division
26 ARIZONA CORPORATION COMMISSION
27 1200 West Washington Street
28 Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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

By: 
Debra Broyles
Secretary to Yvette B. Kinsey