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BEFORE THE ARIZONA CORPORATION COMMISSION

2 COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

AUG 12 2009

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8 IN THE MATTER OF THE APPLICATION OF
 9 WICKENBURG RANCH WATER, LLC
 10 (FORMERLY CDC WICKENBURG WATER,
 11 LLC) FOR APPROVAL OF A RATE
 12 ADJUSTMENT.

DOCKET NO. W-03994A-07-0657

PROCEDURAL ORDER

13 **BY THE COMMISSION:**

14 On November 20, 2007, Wickenburg Ranch Water, LLC ("Wickenburg Ranch") filed with
 15 the Arizona Corporation Commission ("Commission") an Application to Adjust Rates.

16 On February 12, 2009, the Commission issued Decision No. 70741.

17 On February 26, 2009, Wickenburg Ranch filed an Application for Rehearing specifically
 18 requesting that certain portions of Decision No. 70741 be deleted (referred to collectively as the
 19 "contested provisions") and that one conclusion of law be revised.

20 On March 16, 2009, the Commission issued Decision No. 70832, granting Wickenburg
 21 Ranch's Application for Rehearing and directing the Hearing Division to conduct a procedural
 22 conference at which recommendations as to the processes to be followed for the rehearing could be
 23 presented. Such a procedural conference was held on April 22, 2009, and it was determined that an
 24 evidentiary hearing would be held.

25 On June 15 and 29, 2009, an evidentiary hearing was held at the Commission's offices in
 26 Phoenix, Arizona. Wickenburg Ranch and the Commission's Utilities Division Staff ("Staff")
 27 appeared through counsel and presented testimony and documentary evidence. At the conclusion of
 28 the hearing, Wickenburg Ranch and Staff were directed to file post-hearing briefs concerning a
 number of legal issues by August 14, 2009, and to file reply briefs by September 4, 2009. The legal
 issues to be addressed in those briefs were memorialized in a Procedural Order issued on June 30,
 2009.

1 On August 7, 2009, Chairman Kristin Mayes filed a letter in this docket stating that, from her
2 review of the rehearing processes and docket, it appears that Wickenburg Ranch has indicated that it
3 is strongly committed to the goal of implementing the best water conservation measures for itself and
4 its community and has suggestions for reaching that goal. In light of this and the current demands on
5 Staff and Commission resources, Chairman Mayes suggested that it may be appropriate to stay the
6 rehearing proceeding to allow Wickenburg Ranch an opportunity to present to the Commission its
7 suggestions on how to ensure water conservation measures work for all concerned. Chairman Mayes
8 stated that the matter would be placed on the next Commission Staff Open Meeting agenda for
9 discussion and consideration of staying the rehearing proceeding and of modifying Decision No.
10 70741 under A.R.S. § 40-252 to amend, delete, and/or stay the requirements of the contested
11 provisions.

12 At the Commission Staff Open Meeting on August 11, 2009, which Wickenburg Ranch
13 attended through counsel, the Commission discussed this matter and voted to reopen Decision No.
14 70741 under A.R.S. § 40-252 and to stay the rehearing proceeding to allow the parties to make
15 proposals regarding the contested provisions.

16 **IT IS THEREFORE ORDERED that the briefing requirements announced at the**
17 **evidentiary hearing on June 29, 2009, and memorialized in the Procedural Order issued on**
18 **June 30, 2009, are hereby vacated.**

19 **IT IS FURTHER ORDERED that the rehearing proceeding is stayed until further order**
20 **of the Commission.**

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

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

1 Law Judge or the Commission.

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

4 DATED this 12th day of August, 2009.

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7 
8 SARAH N. HARPRING
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 12th day of August, 2009, to:

12 Steve Wene
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36 By: 
37 Debra Broyles
38 Secretary to Sarah N. Harpring