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BEFORE THE ARIZONA CORPORATION COMMISSION

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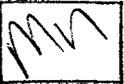
2 COMMISSIONERS

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

2009 AUG 25 A 10: 03
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

AUG 25 2009

DOCKETED BY 

7 IN THE MATTER OF THE FORMAL
8 COMPLAINT OF SPARTAN HOMES AND
9 CONSTRUCTION , INC.,

DOCKET NO. WS-03478A-08-0256

9 COMPLAINANT,

10 vs.

11 FAR WEST WATER AND SEWER, INC.,

12 RESPONDENT.

PROCEDURAL ORDER

13 **BY THE COMMISSION:**

14 On May 21, 2008, Spartan Homes and Construction, Inc. ("Complainant") filed with the
15 Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Far West
16 Water and Sewer, Inc. ("Respondent").

17 On December 29, 2008, a Procedural Order was issued setting the matter for hearing
18 beginning February 9, 2009.

19 On February 6, 2009, parties filed a Joint Motion to Vacate Hearing Date and Suspend
20 Proceedings Pending Withdrawal of Complaint ("Motion"), and on February 10, 2009, a Procedural
21 Order was issued granting the Motion.

22 On May 26, 2009, the Complainant filed a Request for a Procedural Conference and/or
23 Hearing Date, and a Procedural Order was issued setting a Procedural Conference for June 16, 2009.

24 At the June 16, 2009, Procedural Conference the parties stated that attempts to reach a
25 settlement were unsuccessful and they wished to set the matter for hearing. However, the
26 Complainant noted that it wished to conduct a deposition of a member of the Commission's Utilities
27 Division Staff ("Staff"), asserting that participation by a Staff witness is important to the matter.
28

1 On August 20, 2009, the Complainant filed a Request for Participation of Staff Witness,
2 noting that Staff is willing to provide testimony, but required direction from the Hearing Division to
3 do so. As such, the Complainant requested the issuance of a Procedural Order directing Staff's
4 participation.

5 IT IS THEREFORE ORDERED that Staff shall provide a witness for deposition and/or
6 provide pre-filed testimony regarding the operation and applicability of A.C.C. R14-2-406(M). The
7 method for provision of Staff testimony shall be agreed upon by the parties and Staff, but if by
8 deposition, it shall be at a date and time convenient to Staff.

9 IT IS FURTHER ORDERED that following provision by Staff of its testimony, the
10 Complainant shall file motion to set the matter for hearing.

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

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

17 DATED this 24th day of August, 2009.


BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

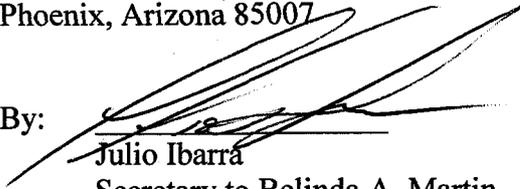
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22 Copies of the foregoing mailed
this 24th day of August, 2009 to:

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11 Julio Ibarra
Secretary to Belinda A. Martin

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