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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2009 AUG 27 A 10: 53  
AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

AUG 27 2009

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, LLC, DBA JOHNSON  
UTILITIES COMPANY FOR AN INCREASE IN  
ITS WATER AND WASTEWATER RATES FOR  
CUSTOMERS WITHIN PINAL COUNTY,  
ARIZONA.

DOCKET NO. WS-02987A-08-0180

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company filed with the Arizona Corporation Commission ("Commission") an application for increases in its water and wastewater utility rates.

Intervention has been granted to Swing First Golf, LLC (Swing First"), the Town of Florence ("Florence"), and the Residential Utility Consumer Office ("RUCO").

The hearing in this matter commenced on April 23, 2009, and is scheduled to resume on September 21, 2009.

On August 17, 2009, Swing First filed a Motion for Date Certain ("Motion"). Swing First requests a date certain of Thursday, September 24, 2009, and continuing if necessary to Friday, September 25, 2009, for the testimony of its witness David Ashton.

No responses to the Motion were filed.

While it would be reasonable to set a date for the commencement of Mr. Ashton's cross-examination on his prefiled testimony, it is possible that Mr. Ashton's presence will be required beyond Friday, September 25, 2009, in order to complete cross-examination. For that reason, the Motion cannot be granted.

IT IS THEREFORE ORDERED that the Motion for Date Certain filed by Swing First Golf, LLC on August 17, 2009, is hereby denied.

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

4 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
5 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
6 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
7 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
8 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
9 Administrative Law Judge or the Commission.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
11 Communications) continues to apply to this proceeding and shall remain in effect until the  
12 Commission's Decision in this matter is final and non-appealable.

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

16 DATED this 27<sup>th</sup> day of August, 2009.

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21 TEENA WOLFE  
22 ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered  
24 this 27<sup>th</sup> day of August, 2009 to:

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Secretary to Teena Wolfe

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