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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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2 COMMISSIONERS

- 3 KRISTIN K. MAYES, Chairman
- 4 GARY PIERCE
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AZ CORP COMMISSION
DOCKET CONTROL

8 IN THE MATTER OF THE APPLICATION OF
 9 LITCHFIELD PARK SERVICE COMPANY, AN
 10 ARIZONA CORPORATION, FOR A
 11 DETERMINATION OF THE FAIR VALUE OF ITS
 12 UTILITY PLANTS AND PROPERTY AND FOR
 13 INCREASES IN ITS WASTEWATER RATES AND
 14 CHARGES FOR UTILITY SERVICE BASED
 15 THEREON.

DOCKET NO. SW-01428A-09-0103

11 IN THE MATTER OF THE APPLICATION OF
 12 LITCHFIELD PARK SERVICE COMPANY, AN
 13 ARIZONA CORPORATION, FOR A
 14 DETERMINATION OF THE FAIR VALUE OF ITS
 15 UTILITY PLANTS AND PROPERTY AND FOR
 16 INCREASES IN ITS WATER RATES AND
 17 CHARGES FOR UTILITY SERVICE BASED
 18 THEREON.

DOCKET NO. W-01427A-09-0104

PROCEDURAL ORDER
GRANTING INTERVENTION

16 BY THE COMMISSION:

17 On March 9, 2009, Litchfield Park Service Company ("LPSCO" or "Company") filed with
 18 the Arizona Corporation Commission ("Commission") applications for rate increases for wastewater
 19 and water service in the above-captioned dockets. LPSCO also filed Motions to Consolidate the
 20 dockets on the same date.

21 On April 8, 2009, the Commission's Utilities Division Staff ("Staff") filed Letters of
 22 Deficiency in both dockets indicating that LPSCO's application did not meet the sufficiency
 23 requirements of Arizona Administrative Code ("A.A.C.") R14-2-103.

24 On April 20, 27, and 30, 2009, LPSCO filed responses to the Letters of Insufficiency.

25 On May 8, 2009, Staff filed Letters of Sufficiency stating that LPSCO's applications, as
 26 supplemented by the subsequent filings, met the sufficiency requirements of A.A.C. R14-2-103.
 27 Staff classified LPSCO as a Class A utility.

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1 By Procedural Order issued May 21, 2009, the above-captioned dockets were consolidated,
2 the consolidated proceeding was scheduled for hearing commencing January 4, 2010, and testimony
3 filing deadlines and various other procedural dates were established.

4 On June 30, 2009, Pebblecreek Properties Limited Partnership ("Pebblecreek") filed an
5 Application to Intervene in the above-captioned proceeding. Pebblecreek states that it is a residential
6 developer within LPSCO's service area and is directly and substantially affected by LPSCO's rate
7 application, including the Company's proposed increases in hook-up fees and other charges. No
8 objections to Pebblecreek's request to intervene have been received.

9 On September 28, 2009, the Residential Utility Consumer Office ("RUCO") filed a Request
10 to Continue Hearing for One Week. RUCO states that the continuance is sought "to accommodate
11 previously scheduled holiday plans" by RUCO's counsel. RUCO indicates that, because its counsel
12 will be out of the state for the two weeks prior to the hearing, there would not be sufficient time to
13 allow for review of rejoinder testimony and preparation for hearing. RUCO claims that Staff does
14 not oppose the requested continuance, but LPSCO would agree only to the extent the continuance
15 does not affect the time clock or postpone the date of the Decision in this matter.

16 RUCO's request to continue the hearing is denied. Under normal scheduling criteria, the
17 hearing in this matter would have been set to commence in late December, a timeframe that would
18 likely have caused conflicts for a number of parties. In an effort to accommodate holiday plans, the
19 hearing was scheduled to begin on January 4, 2010, thereby creating a shorter time than normal for
20 conducting the hearing, writing briefs, and preparing a Recommended Order. In addition, the
21 Commission's regular Open Meeting is scheduled for the following week, and other scheduling
22 conflicts exist with the main hearing room that would likely require the hearing to be pushed back
23 until late January or February. Finally, it is unclear from the request why "previously scheduled
24 holiday plans" have suddenly created a conflict more than four months after the hearing was
25 originally scheduled. However, in order to offer some accommodation to RUCO, January 4, 2010
26 will be held solely for the purpose of receiving public comment, consistent with the notice previously
27 published by LPSCO, and the evidentiary portion of the hearing will commence on January 5, 2010.

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1 IT IS THEREFORE ORDERED that **Pebblecreek's application to intervene in this matter**
2 **is hereby granted.**

3 IT IS FURTHER ORDERED that **RUCO's Request to Continue the Hearing is denied.**
4 **However, the first day of the hearing scheduled for January 4, 2010, at 10:00 a.m., will be**
5 **reserved for receiving public comment only and the evidentiary portion of the hearing will**
6 **commence on January 5, 2010, at 9:30 a.m., at the offices of the Commission, 1200 West**
7 **Washington, Phoenix, Arizona 85007.**

8 IT IS FURTHER ORDERED that, in all other respects, the May 21, 2009 Procedural Order
9 shall remain in full force and effect.

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

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

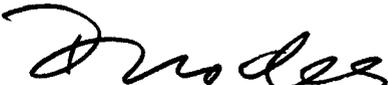
19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
20 Communications) applies to this proceeding and shall remain in effect until the Commission's
21 Decision in this matter is final and non-appealable.

22 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
23 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

24 ...
25 ...
26 ...
27 ...
28 ...

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

4 DATED this 2nd day of October, 2009.

6 
7 _____
8 DWIGHT D. NODES
9 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 2nd day of October, 2009 to:

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