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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WASTEWATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. SW-01428A-09-0103

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. W-01427A-09-0104

**PROCEDURAL ORDER GRANTING INTERVENTION**

**BY THE COMMISSION:**

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

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

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

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

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 September 22, 2009, the City of Litchfield Park filed a Motion to Intervene.

5 On October 1, 2009, Chad and Jessica Robinson filed a Motion to Intervene.

6 On October 14, 2009, Westcor/Goodyear LLC and Globe Land Investors, LLC (collectively  
7 “Developers”) filed a Motion to Intervene.

8 On October 20, 2009, LPSCO filed a Response to the Developers’ Motion to Intervene.  
9 LPSCO argues that the Developers’ stated purpose for intervention is to raise the issue of hook-up  
10 fees for off-site water and wastewater infrastructure. According to LPSCO, the Developers’  
11 intervention in this proceeding is unnecessary because the hook-up fee issue was addressed in  
12 Decision No. 70563 (October 23, 2008) wherein the Commission approved Section 4 of a settlement  
13 agreement between LPSCO and the Developers regarding the same issue.

14 On October 29, 2009, the Developers filed a Reply to LPSCO’s Response. The Developers  
15 claim that although they do have an interest in the issue of future hook-up fee obligations, they also  
16 have a basis for intervention as water and wastewater customers of LPSCO.

17 **IT IS THEREFORE ORDERED that the City of Litchfield Park, Chad and Jessica**  
18 **Robinson, and collectively, Westcor/Goodyear LLC and Globe Land Investors, LLC are hereby**  
19 **granted intervention.**

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

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

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

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

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

9 DATED this 30<sup>th</sup> day of October, 2009.

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12 DWIGHT D. NODES  
13 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered  
14 this 30<sup>th</sup> day of October, 2009 to:

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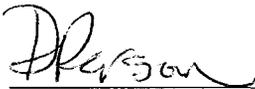
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