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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

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DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES, L.L.C., 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 DENYING
MOTION TO ADMIT LATE-FILED
EXHIBITS**

BY THE COMMISSION:

On October 7, 2009, the hearing on the above-captioned application concluded.

On October 26, 2009, Swing First Golf, LLC (Swing First”) filed a Motion to Admit Late-Filed Exhibits (“Motion”). Proposed late-filed exhibits marked as SF-49, SF-50 and SF-51 are attached to the Motion.

On October 29, 2009, the Residential Utility Consumer Office (“RUCO”) filed a Response to the Motion, stating that it has no objection to the admission of the proposed late-filed exhibits.

On October 30, 2009, Johnson Utilities, LLC, dba Johnson Utilities Company (“Johnson”), RUCO, and the Commission’s Utilities Division (“Staff”) filed final schedules.

On October 30, 2009, Johnson filed a Response and Objection to the Motion. Johnson objects to the admission of the proposed late-filed exhibits, and states that if they are admitted, Johnson wishes to have the opportunity to provide additional testimony and documentary evidence to supplement the evidentiary record and to rebut certain statements in the Motion.

The record in this proceeding is closed. Both SFG and Johnson are parties to Docket No. WS-02987A-08-0049, which is a complaint filed by SFG against Johnson. SFG may wish to pursue the subject matter of its proposed late-filed exhibits in that docket.

IT IS THEREFORE ORDERED that the Motion to Admit Late-Filed Exhibits filed by Swing First Golf, LLC on October 26, 2009, is hereby denied.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,

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1 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
2 hearing.

3 DATED this 3rd day of November, 2009.

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5 
6 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

7 Copies of the foregoing mailed/delivered
8 this 3rd day of November, 2009 to:

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