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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

2009 DEC -4 P 1: 33 Arizona Corporation Commission
 DOCKETED
 AZ CORP COMMISSION
 DOCKET CONTROL DEC -4 2009
 DOCKETED BY

IN THE MATTER OF THE APPLICATION OF GLOBAL WATER – PALO VERDE UTILITIES COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. SW-20445A-09-0077

IN THE MATTER OF THE APPLICATION OF VALENCIA WATER COMPANY – GREATER BUCKEYE DIVISION FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-02451A-09-0078

IN THE MATTER OF THE APPLICATION OF WILLOW VALLEY WATER COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-01732A-09-0079

IN THE MATTER OF THE APPLICATION OF GLOBAL WATER – SANTA CRUZ WATER COMPANY FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR UTILITY SERVICE DESIGNED TO REALIZE A REASONABLE RATE OF RETURN ON THE FAIR VALUE OF ITS PROPERTY THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-20446A-09-0080

IN THE MATTER OF THE APPLICATION OF WATER UTILITY OF GREATER TONOPAH FOR THE ESTABLISHMENT OF JUST AND REASONABLE RATES AND CHARGES FOR

DOCKET NO. W-02450A-09-0081

1 UTILITY SERVICE DESIGNED TO REALIZE A
2 REASONABLE RATE OF RETURN ON THE
3 FAIR VALUE OF ITS PROPERTY
4 THROUGHOUT THE STATE OF ARIZONA.

5 IN THE MATTER OF THE APPLICATION OF
6 VALENCIA WATER COMPANY – TOWN
7 DIVISION FOR THE ESTABLISHMENT OF JUST
8 AND REASONABLE RATES AND CHARGES
9 FOR UTILITY SERVICE DESIGNED TO
10 REALIZE A REASONABLE RATE OF RETURN
11 ON THE FAIR VALUE OF ITS PROPERTY
12 THROUGHOUT THE STATE OF ARIZONA.

DOCKET NO. W-01212A-09-0082

PROCEDURAL ORDER

8 **BY THE COMMISSION:**

9 On February 20, 2009, Global Water – Palo Verde Utilities Company; Valencia Water
10 Company – Greater Buckeye Division; Willow Valley Water Company, Inc.; Global Water – Santa
11 Cruz Water Company; Water Utility of Greater Tonopah, Inc.; and Valencia Water Company – Town
12 Division (collectively “Global Utilities” or “Company”) filed with the Arizona Corporation
13 Commission (“Commission”) applications in the above-captioned dockets seeking increases in their
14 respective permanent base rates and other associated charges.

15 On May 28, 2009, a Procedural Order was issued consolidating the applications, setting a
16 hearing, requiring mailing and publication of notice of the application and hearing, and setting
17 associated procedural deadlines.

18 On August 31, 2009, Global Utilities filed affidavits of mailing and affidavits of publication
19 indicating compliance with the public notice requirements of the May 28, 2009 Procedural Order.

20 On December 1, 2009, New World Properties (“NWP”) filed an Application for Leave to
21 Intervene. NWP states that it is the owner and developer of a 1,280-acre master planned
22 development known as Copperleaf located in the Tonopah area, in the water and sewer certificated
23 area of the Company’s subsidiaries, and will therefore be directly and substantially affected by the
24 outcome of this proceeding.

25 On December 2, 2009, the Commission’s Utilities Division (“Staff”) filed a Response
26 opposing NWP’s intervention application.

27 Staff objects to the application because it is untimely, and requests that it be denied. Staff
28 states that NWP provided no explanation as to why it did not timely request intervention by October

1 12, 2009, as required by the May 28, 2009 Procedural Order. Staff also expresses concern that
2 granting NWP intervention may broaden the issues and prolong the hearing. While Staff's concerns
3 are valid, NWP's request for intervention is limited in scope. NWP stated in its application that it
4 does not intend to submit any pre-filed testimony or offer witnesses at the hearing, and avowed that
5 its participation will not broaden the issues or unduly delay this proceeding. Because it will be
6 affected by the outcome of this proceeding, NWP should be granted intervention in order to allow it
7 to participate in the hearing and cross examine witnesses on issues already raised in prefiled
8 testimony. Due to the lateness of NWP's intervention request, however, NWP should not be allowed
9 to introduce new evidence, either through prefiled testimony or at the hearing through other parties'
10 witnesses.

11 On December 2, 2009, Staff filed a Motion for Extension of Time Re: Rate Design
12 Surrebuttal Testimony ("Motion"). Staff requests an additional day beyond the December 7, 2009
13 due date for filing its surrebuttal testimony relating to rate design. Staff states that it has conferred
14 with counsel for the Company, the Residential Utility Consumer Office, and the Water Utility
15 Association of Arizona, and they do not object to the requested extension of time. Staff states that it
16 will file all its other surrebuttal testimony on the due date, and proposes that the Company be granted
17 an additional day for the filing of its rejoinder testimony, to December 11, 2009. Staff further
18 requests that the parties be allowed to bring their issues matrices to the hearing on December 14,
19 2009, instead of to the procedural conference on December 10, 2009.

20 The relief requested in Staff's Motion is reasonable and the Motion should be granted.

21 IT IS THEREFORE ORDERED that New World Properties' December 1, 2009 application
22 for leave to intervene is hereby granted, in order to allow it to participate in the hearing and cross
23 examine witnesses on issues already raised in prefiled testimony. Due to the lateness of its
24 intervention request, New World Properties shall not introduce new evidence, either through prefiled
25 testimony or at the hearing through other parties' witnesses.

26 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits to be**
27 **presented by Staff or intervenors on the issue of rate design** shall be reduced to writing and filed
28 on or before **December 8, 2009**.

1 IT IS FURTHER ORDERED that any **rejoinder testimony and associated exhibits to be**
2 **presented at the hearing on behalf of Global Utilities** shall be reduced to writing and filed on or
3 before **December 11, 2009**.

4 IT IS FURTHER ORDERED that **each party shall individually prepare, and bring to the**
5 **hearing on December 14, 2009, copies of an issues matrix setting forth all disputed issues in the**
6 **case. Each party's matrix shall indicate the position of each party on each disputed issue and**
7 **shall indicate whether the disputed issue remains in dispute or has been resolved, in prefiled**
8 **testimony or otherwise.**

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

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

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

21 DATED this 4th day of December 2009.

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24 
25 TEENA WOLFE
26 ADMINISTRATIVE LAW JUDGE
27
28

1 Copies of the foregoing mailed/delivered
this 4~~th~~ day of December 2009 to:

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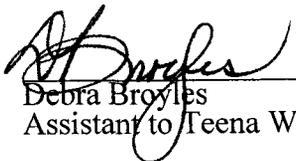
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