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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission  
**DOCKETED**

NOV 27 2009

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

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IN THE MATTER OF THE APPLICATION  
OF CUP OF GOLD SUBDIVISION, AN  
ARIZONA NON-PROFIT CORPORATION,  
FOR ADJUDICATION NOT A PUBLIC  
SERVICE CORPORATION.

DOCKET NO. W-20637A-08-0560

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On November 5, 2008, the Cup of Gold Subdivision, an Arizona non-profit corporation, ("Cup of Gold" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission") for Adjudication Not a Public Service Corporation.

On January 15, 2009, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter in this docket stating the Applicant's application had not met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On June 29, 2009, Cup of Gold filed a supplement to its application consisting of the legal description specifying the metes and bounds of its service area.

On July 28, 2009, Staff filed a Sufficiency Letter indicating the Applicant's application had met the sufficiency requirements of the A.A.C.

By Procedural Order dated August 11, 2009, the Application was deemed sufficient pursuant to Arizona Administrative Code ("A.A.C.") R14-3-101, the matter was scheduled for hearing on September 28, 2009, public notice was ordered, and filing deadlines were set.

On September 1, 2009, Staff filed its Staff Report recommending approval of Cup of Gold's application.

On September 10, 2009, Applicant filed an Affidavit of Publication and Proof of Mailing of Public Notice of Hearing.

On October 28, 2009, a full public hearing was held before a duly authorized Administrative

1 Law Judge of the Commission at its offices in Phoenix, Arizona. The Applicant and Staff appeared  
2 through counsel and presented evidence and testimony. No members of the public appeared to give  
3 public comment. At the hearing, Applicant was ordered to provide Staff with additional information  
4 in support of its application; Staff was directed to file an Amended Staff Report by November 30,  
5 2009; and the timeclock was extended.

6 On November 24, 2009, Staff filed a request for an extension of time to file its Amended Staff  
7 Report, stating that Staff had not received sufficient documentation from Cup of Gold to conduct a  
8 further analysis of the application and that the Applicant had not timely responded to Staff's requests  
9 for information. Staff requests an extension of time to file its Amended Staff Report, until one month  
10 after receiving the required documentation and information from Cup of Gold. Staff states it will  
11 immediately file notice in this docket upon receipt of the necessary documentation and information  
12 from Cup of Gold.

13 Staff's motion for an extension of time to file an Amended Staff Report in this matter is  
14 reasonable and should be granted.

15 **IT IS THEREFORE ORDERED that Staff's motion for an extension of time to file its**  
16 **Amended Staff Report until one month after receiving the required documentation and**  
17 **information from Cup of Gold, is hereby granted.**

18 **IT IS FURTHER ORDERED that Staff shall immediately notify the Commission when**  
19 **Staff's review of the application is complete.**

20 **IT IS FURTHER ORDERED that Cup of Gold shall respond to Staff's request for**  
21 **additional information, within 10 days of this Order, unless the timeframe is extended by**  
22 **mutual agreement of the parties.**

23 **IT IS FURTHER ORDERED that failure by Cup of Gold to timely respond to Staff's requests**  
24 **for additional information and documentation may result in further action by the Commission**  
25 **including, but not limited to, issuance of an Order to Show Cause.**

26 **IT IS FURTHER ORDERED that the timeclock in this matter is hereby suspended.**

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

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

10 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
11 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

12 DATED this 27<sup>th</sup> day of November 2009.

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15   
16 YVETTE B. KINSEY  
17 ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered  
19 this 27<sup>th</sup> day of November 2009 to:

20 Bill Stephens  
21 BILL STEPHENS, P.C.  
22 4647 North 32<sup>nd</sup> Street, No. 285  
23 Phoenix, AZ 85018  
24 Attorney for Applicant

25 Janice Alward, Chief Counsel  
26 Legal Division  
27 ARIZONA CORPORATION COMMISSION  
28 1200 West Washington Street  
Phoenix, AZ 85007

Steve M. Olea, Director  
Utilities Division  
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By:   
Debra Broyles  
Secretary to Yvette B. Kinsey