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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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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

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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 8, 2009, Rick Fernandez filed a Motion to Intervene. Mr. Fernandez claims in  
21 his Motion that as President of the Santarra Homeowners Association, he represents 311 residential  
22 customers.

23 On December 9, the Commission’s Utilities Division (“Staff”) filed a Response opposing Mr.  
24 Fernandez’s Motion to Intervene. Staff opposes the Motion because it is untimely filed, and because  
25 Staff believes the granting of the Motion may broaden the issues and prolong the hearing in this case.  
26 In addition, Staff states that unless Mr. Fernandez is an attorney, he cannot represent the interests of  
27 either the Santarra Homeowners Association or the 311 residential customers who are members of  
28 the Santarra Homeowners Association. Staff requests that if Mr. Fernandez’s untimely Motion is

1 granted, Mr. Fernandez be allowed to only represent his own interests, and that he not be permitted to  
2 introduce new evidence, either through pre-filed testimony or at the hearing through other parties'  
3 witnesses.

4 Also on December 9, 2009, the Company filed its Opposition to Mr. Fernandez's Motion to  
5 Intervene. The Company requests that the Motion be denied because it was untimely filed, nearly  
6 two months past the intervention deadline in this matter, and because granting the intervention may  
7 broaden the issues in this proceeding.

8 Also on December 9, 2009, the City of Maricopa ("Maricopa") filed an Application for Leave  
9 to Intervene. Maricopa requests that it be permitted to intervene subject to the requirements that it  
10 not introduce its own evidence or call its own witnesses in this matter, consistent with the Procedural  
11 Order issued on December 4, 2009, granting intervention to New World Properties. Maricopa states  
12 that it does not believe its intervention will lengthen the proceeding or burden any of the other  
13 intervenors.

14 The Pre-Hearing Conference convened as scheduled on December 10, 2009. Counsel for  
15 Global Utilities, the Water Utility Association of Arizona, New World Properties, the Residential  
16 Utilities Consumer Office ("RUCO") and Staff appeared. Counsel representing Maricopa also  
17 appeared and responded to questions in regard to Maricopa's Application for Leave to Intervene.  
18 Arguments in opposition to Maricopa's intervention request were heard and considered, and  
19 Maricopa was granted intervention on a limited basis. Due to the lateness of its intervention request,  
20 Maricopa was granted intervention subject to the requirement that it shall not present any witnesses  
21 or introduce any new evidence, either through prefiled testimony, or at the hearing through other  
22 parties' witnesses.

23 Mr. Fernandez did not appear at the Pre-Hearing Conference. As Staff points out, pursuant to  
24 Rule 31 of the Arizona Supreme Court ("Rule 31") unless Mr. Fernandez is an attorney, he may not  
25 represent any other person in proceedings before the Commission,<sup>1</sup> but may only represent himself.  
26 Because Mr. Fernandez's Motion to Intervene was not timely filed, he will be allowed to participate

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28 <sup>1</sup> Effective January 1, 2010, an amendment to Rule 31 will take effect which grants an exemption to this requirement  
under certain circumstances. However, the hearing is scheduled to conclude prior to that date.

1 in these proceedings subject to the same requirements imposed on the other entities who untimely  
2 requested intervention. Mr. Fernandez should be allowed to intervene for the purpose of representing  
3 his own interests, and subject to the requirement that he shall not present any witnesses or introduce  
4 any new evidence, either through prefiled testimony, or at the hearing through other parties'  
5 witnesses. Members of the Santarra Homeowners Association may appear at the hearing and provide  
6 their own public comment for the record, prior to the taking of evidence, at 10:00 a.m. on Monday,  
7 December 14, 2009.

8 IT IS THEREFORE ORDERED that Mr. Rick Fernandez's December 8, 2009 Motion to  
9 Intervene is hereby granted, in order to allow Mr. Fernandez to participate in the hearing on his own  
10 behalf and cross examine witnesses on issues already raised in prefiled testimony. Due to the  
11 lateness of his intervention request, Mr. Fernandez shall not introduce new evidence, either through  
12 prefiled testimony or at the hearing through his own or through other parties' witnesses.

13 IT IS FURTHER ORDERED that the City of Maricopa's December 9, 2009 Application for  
14 Leave to Intervene is hereby granted, in order to allow it to participate in the hearing and cross  
15 examine witnesses on issues already raised in prefiled testimony. Due to the lateness of its  
16 intervention request, the City of Maricopa shall not introduce new evidence, either through prefiled  
17 testimony or at the hearing through its own or through other parties' witnesses.

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

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

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 11<sup>th</sup> day of December 2009.

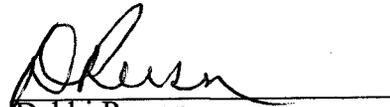
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8 TEENA WOLFE  
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered  
11 this 11<sup>th</sup> day of December 2009 to:

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