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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission
DOCKET NO. W-01642A-09-0432
NOV 24 2009

IN THE MATTER OF THE APPLICATION OF
DESPOBLADO WATER COMPANY FOR
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01642A-09-0432

PROCEDURAL ORDER

BY THE COMMISSION:

On September 8, 2009, Despoblado Water Company ("Despoblado" or "Company") filed with the Arizona Corporation Commission ("Commission") an application to cancel its Certificate of Convenience and Necessity ("CCN" or "Certificate") to provide water service in Pima County, Arizona ("Application").

On October 8, 2009, the Commission's Utilities Division Staff ("Staff") filed its Insufficiency Letter notifying the Company that its application was not sufficient pursuant to the Arizona Administrative Code ("A.A.C"), and providing Despoblado with Staff's data requests.

On October 28, 2009, the Company filed its responses to Staff's data requests.

On November 25, 2009, Staff notified the Company that its Application is sufficient pursuant to the A.A.C.

Pursuant to a Procedural Order filed December 3, 2009, a telephonic Procedural Conference was held at the Commission's Tucson offices on December 18, 2009. At the Procedural Conference, the parties stated they believed that a hearing in this matter is not necessary.

IT IS THEREFORE ORDERED that Staff shall file its Staff Report in this matter no later than February 5, 2010.

IT IS FURTHER ORDERED that the Company shall file its comments to the Staff Report no later than February 19, 2010.

1 IT IS FURTHER ORDERED that Despoblado shall serve public notice of the Application and
 2 the right to request a hearing in this matter in the following form and style:

3
 4 **APPLICATION OF DESPOBLADO WATER COMPANY**
FOR CANCELLATION OF ITS
 5 **CERTIFICATE OF CONVENIENCE AND NECESSITY**
DOCKET NO. W-01642A-09-0432

6 On September 8, 2009, Despoblado Water Company ("Company") filed an application
 7 with the Arizona Corporation Commission ("Commission") to cancel its Certificate of
 8 Convenience and Necessity ("Certificate"). If the application is granted, the Company
 9 would no longer be the exclusive provider of water service within the Company's
 certificated area. The Commission may consider the application without a hearing,
 unless a hearing is requested by a party to the proceeding.

10 The application is available for inspection during regular business hours at the offices
 11 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,
 12 and in Tucson, at 400 West Congress Street, Suite 218, Tucson, Arizona, and at the
 offices of the Applicant, [APPLICANT INSERT ADDRESS]. The application is
 also available on the Commission's website, www.azcc.gov, using the e-Docket link.

13 Affected persons have the right to file written comments concerning the application,
 14 request intervention, or request a hearing. **Any written comments, requests for**
intervention or requests for hearing should be filed with the Commission by
February 12, 2010.

15
 16 The law provides for an open public hearing at which, under appropriate
 17 circumstances, interested persons may intervene in the proceedings and participate as
 18 a party. Persons desiring to intervene must file a written motion to intervene with the
 Commission and send such motion to Applicant or its counsel and to all parties of
 record. The motion must, at the minimum, contain the following:

- 19 1. The name, address, and telephone number of the proposed intervenor and of
 20 any party upon whom service of documents is to be made if different from
 that of the intervenor.
- 21 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
 22 a customer or potential customer of the Applicant, a member or shareholder of
 the Applicant, etc.).
- 23 3. A statement certifying that a copy of the motion to intervene has been mailed
 24 to the Applicant or its counsel and to all parties of record in the case.

25 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 26 that **all motions to intervene must be filed on or before February 12, 2010.** If
 27 representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme
 28 Court, intervention will be conditioned upon the intervenor obtaining counsel to
 represent the intervenor. For information about requesting intervention, visit the
 Arizona Corporation Commission's webpage at
<http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among
 other things, entitles a party to present sworn evidence at hearing and to cross-examine

1 other witnesses. However, failure to intervene will not preclude any customer from
2 appearing at the hearing and making a statement on such customer's own behalf.

3 If you have any questions about this application, you may contact Applicant at
4 **[APPLICANT insert contact name, address and telephone number]**. If you want
5 further information on intervention or have questions on how to file comments, or
6 request a hearing, you may contact the Consumer Services Section of the Commission
7 at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or
8 (520) 628-6550. All correspondence should reference Docket No. W-01642A-09-
9 0432.

10 The Commission does not discriminate on the basis of disability in admission to its
11 public meetings. Persons with a disability may request a reasonable accommodation
12 such as a sign language interpreter, as well as request this document in an alternative
13 format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number
14 602/542-3931, E-mail: SBernal@azcc.gov. Requests should be made as early as
15 possible to allow time to arrange the accommodation.

16 **IT IS FURTHER ORDERED** that *Despoblado* shall mail or hand deliver to each customer,
17 property owner, and/or entity receiving water from the Company or its owner in *Despoblado's*
18 service territory, a copy of this notice, no later than **January 22, 2010**.

19 **IT IS FURTHER ORDERED** that *Despoblado* shall file with the Docket Control a
20 certification of mailing and/or hand delivery of the above notice on or before **February 2, 2010**.

21 **IT IS FURTHER ORDERED** that notice shall be deemed complete upon mailing or hand
22 delivery, notwithstanding the failure of an individual customer to read or receive the notice.

23 **IT IS FURTHER ORDERED** that intervention shall be in accordance with the A.A.C. R14-3-
24 105, except that all motions to intervene must be filed on or before **February 12, 2010**.

25 **IT IS FURTHER ORDERED** that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
26 Communications) applies to this proceeding.

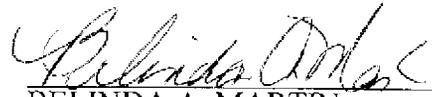
27 **IT IS FURTHER ORDERED** that the time periods specified herein shall not be extended
28 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

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

3 DATED this 21st day of December, 2009.

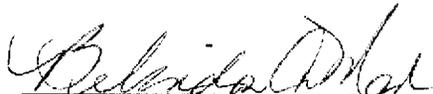
4
5 
6 BELINDA A. MARTIN
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed
9 this 21st day of December, 2009 to:

10 Peter O'Crotty
11 DESPOBLADO WATER COMPANY
12 9170 North Rancho Feliz Drive
13 Tucson, Arizona 85704

14 Janice Alward, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Steven M. Olea, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 By: 
25 Belinda A. Martin