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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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

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JAN 21 2010

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
CERBAT WATER COMPANY, INC. FOR
EMERGENCY RATE RELIEF.

DOCKET NO. W-02391A-09-0516

PROCEDURAL ORDER
(Continues Hearing)

BY THE COMMISSION:

On November 9, 2009, Cerbat Water Company, Inc. ("Applicant" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for emergency rate relief in the form of a surcharge and rate increase ("Application"). The Company, in its Application, asserts the water system is having problems providing water to its customers. The Company further states that it is in dire financial straights and does not have the financial resources to pay for water purchased from the City of Kingman ("City") and for the necessary repairs and improvements. The Company seeks a one-time surcharge of \$30.00 per customer and an increase of \$20.00 per month, per customer in its base rates plus an increase in the gallonage charges in order to pay for the repairs and improvements.

On November 30, 2009, by Procedural Order, a hearing was scheduled on January 20, 2010.

On December 24, 2009, the Company filed certification that it published public notice of the proceeding in *The Standard*, a newspaper of general circulation in Mohave County, Arizona pursuant to the Commission's Procedural Order. Notice of the proceeding was also mailed to the Company's customers.

On January 5, 2010, the Commission's Utilities Division ("Staff") filed its report which recommends denial of the Company's Application.

On January 15, 2010, the Company filed it response to the Staff Report.

On January 20, 2010, the hearing was convened before a duly authorized Administrative Law Judge of the Commission at its offices in Phoenix. No on appeared to make public comment. Staff

1 appeared with counsel. The Company failed to comply with A.R.S. § 40-243, and the proceeding was
2 recessed so that Staff and the individuals present who had intended to represent the Company could
3 discuss the representation issue and other issues raised by the Staff Report. Upon the resumption of
4 the proceeding, counsel for Staff indicated that the parties desired a 30 day continuance to resolve
5 certain issues.

6 Accordingly, the proceeding should be continued and another hearing scheduled.
7 Additionally, the Company should comply with A.R.S. § 40-243 to insure that the Company is
8 lawfully represented.

9 IT IS THEREFORE ORDERED that the **hearing shall be continued** from January 20, 2010,
10 **to March 4, 2010, at 10:00 a.m.** or as soon thereafter as practicable, at the Commission's Phoenix
11 offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that any **changes or amendments to the Application** shall be
13 filed by **February 19, 2010**.

14 IT IS FURTHER ORDERED that any **amendments to the Staff Report and associated**
15 **exhibits** shall be filed on or before **March 1, 2010**.

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
17 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

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

23 DATED this 21st day of January, 2010.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

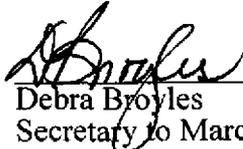
1 Copies of the foregoing mailed/delivered
2 this 2/5 day of January, 2010 to:

3 B. Marc Neal
4 CERBAT WATER CO., INC.
5 2409 Ricca Drive
6 Kingman, AZ 86401

7 Janice Alward, Chief Counsel
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12 Steve Olea, Director
13 Utilities Division
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By: 
Debra Broyles
Secretary to Marc E. Stern