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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

3 KRISTIN K. MAYES, Chairman
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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

MAR 22 2010

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7 IN THE MATTER OF THE FORMAL
8 COMPLAINT OF SPARTAN HOMES AND
9 CONSTRUCTION, INC.,
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COMPLAINANT,
vs.
FAR WEST WATER AND SEWER, INC.,
RESPONDENT.

DOCKET NO. WS-03478A-08-0256

PROCEDURAL ORDER

BY THE COMMISSION:

On May 21, 2008, Spartan Homes and Construction, Inc. ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Far West Water and Sewer, Inc. ("Respondent").

The hearing in this matter was held on December 2, 2009, and January 5, 6, and 7, 2010. At the conclusion of the hearing, a briefing schedule was set in which the Complainant would file its Closing Brief by February 22, 2010, the Respondent would file its Responsive Brief by March 22, 2010, and the Complainant would file its Reply Brief by April 12, 2010.

On January 25, 2010, the Respondent filed a Notice of Substitution of Counsel, advising that Craig Marks, Esq., would be the Respondent's legal counsel in lieu of Fennemore Craig.

The Complainant filed its Closing Brief on February 22, 2010.

On March 19, 2010, the Respondent filed its Motion to Extend Briefing Schedule ("Motion"). In its Motion, the Respondent requested an extension of 21 days to file its Responsive Brief. According to the Respondent, the extension is necessary for several reasons. First, the Respondent's key witness, Andrew Capestro, has been engaged in "extensive, time-consuming, negotiations with the Arizona Department of Environmental Quality ("ADEQ") in order to resolve all of the

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1 Respondent's outstanding ADEQ compliance issues. Second, Mr. Capestro has also been meeting
2 with investors who may provide funds to Far West for completion of its wastewater treatment plant.
3 Finally, Respondent notes that its counsel, Mr. Marks, has been unable to assist Mr. Capestro in the
4 preparation of the Responsive Brief because of his involvement in other evidentiary hearings before
5 the Commission.

6 For these reasons the Respondent requests that the briefing schedule be extended by 21 days,
7 requiring its Responsive Brief to be filed no later than April 12, 2010, and the Complainant's Reply
8 Brief to be filed no later than May 3, 2010.

9 On March 19, 2010, the Complainant filed its Response to Far West Water and Sewer's
10 Motion to Extend Briefing Schedule ("Response") in which it objected to the Motion. The
11 Complainant argues that granting the Motion would be prejudicial to the Complainant given the
12 number of delays already precipitated by the Respondent, and that the Respondent has not shown
13 good cause for another delay.

14 Given the issues presented by the Respondent, its request is reasonable and its Motion should
15 be granted.

16 IT IS THEREFORE ORDERED that the Respondent's Motion is hereby granted.

17 IT IS FURTHER ORDERED that **Respondent's Responsive Brief shall be filed no later**
18 **than 4:00 p.m., April 12, 2010.**

19 IT IS FURTHER ORDERED that **no further extensions for filing of the Responsive Brief**
20 **shall be granted.**

21 IT IS FURTHER ORDERED that the **Complainant's Reply Brief shall be filed no later**
22 **than 4:00 p.m., May 3, 2010.**

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

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

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DATED this 19th day of March, 2010.


BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

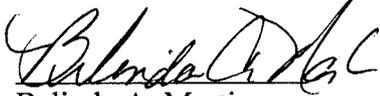
Copies of the foregoing mailed
this 19th day of March, 2010 to:

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By: 
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