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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

3 KRISTIN K. MAYES, Chairman
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2010 MAY -3 P 3: 03
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAY - 3 2010

DOCKETED BY [Signature]

DOCKET NO. W-01809A-10-006A

8 IN THE MATTER OF THE APPLICATION OF
9 CAYETANO, INC., DBA LAKEWOOD WATER
COMPANY FOR AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On February 19, 2010, Cayetano, Inc., d/b/a Lakewood Water Company ("Lakewood" or
12 "Company") filed an application with the Arizona Corporation Commission ("Commission") for a
13 new Certificate of Convenience and Necessity ("CC&N").

14 On February 26, 2010, Lakewood filed an Amended Application, requesting that its
15 Application reflect a petition for an extension of its existing CC&N, rather than a petition for the
16 issuance of a new CC&N.

17 On March 9, 2010, the Company filed its Second Amended Application, reflecting a corrected
18 legal description provided with the application (the original application, the Amended Application
19 and the Second Amended Application are collectively referred to as the "Application)."

20 On April 26, 2010, Staff notified the Company that its Application was sufficient under the
21 terms of the Arizona Administrative Code ("A.A.C.").

22 Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern
23 the preparation and conduct of this proceeding.

24 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **August 5,**
25 **2010, at 10:00 a.m.,** or as soon thereafter as is practical, at the Commission's offices, **Room 222,**
26 **400 West Congress, Tucson, Arizona 85701.**

27 IT IS FURTHER ORDERED that **the Staff Report** and associated exhibits to be presented at
28 hearing shall be filed on or before **July 1, 2010.**

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
2 except that all **motions to intervene** must be filed on or before **July 9, 2010**.

3 IT IS FURTHER ORDERED that **objections to any motion to intervene** must be filed no
4 later than **July 16, 2010**.

5 IT IS FURTHER ORDERED that any **objection or response** by the Applicant or Intervenors
6 to the Staff Report shall be made in writing and filed on or before **July 23, 2010**.

7 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
8 this matter, in the following type size, form and style with the heading in no less than 14 point bold
9 type and the body in no less than 10-point regular type:

10 **PUBLIC NOTICE OF HEARING ON THE APPLICATION BY**
11 **CAYETANO, INC., DBA LAKEWOOD WATER COMPANY**
12 **FOR EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**
DOCKET NO. W-01809A-10-0061

13 On February 19, 2010, Cayetano, Inc., d/b/a Lakewood Water Company ("Company")
14 filed an application with the Arizona Corporation Commission ("Commission") for an
15 extension of its Certificate of Convenience and Necessity. If the application is
16 granted, the Company would be the exclusive provider of water service within the
17 requested extension area, and would be required to provide service on the terms and
18 conditions as established by the Commission.

16 **How You Can View or Obtain a Copy of the Application**

17 The application is available for inspection during regular business hours at the
18 Company's offices [**INSERT ADDRESS**] and at the Commission's Docket Control
19 Center at 1200 West Washington, Phoenix, Arizona, and its Tucson offices, 400 West
20 Congress, Suite 218, Tucson, Arizona and on the internet via the Commission website
21 ([/www.azcc.gov/](http://www.azcc.gov/)) using the e-docket function.

20 **Public Hearing Information**

21 The Commission will hold a **hearing** on this matter beginning **August 5, 2010, at**
22 **10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress, Tucson,
23 Arizona.

22 Public comments will be taken at the beginning of the first day of the hearing. Written
23 public comments may be submitted by mailing a letter referencing Docket No. W-
24 01809A-10-0061 to Arizona Corporation Commission, Consumer Services Section,
25 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and
26 instructions on how to e-mail comments to the Commission, go to
http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require
assistance, you may contact the Consumer Services Section at 1-800-222-7000 or
(520) 628-6550.

27 **About Intervention**

28 The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law

1 to intervene and having a direct and substantial interest in the matter will be permitted
 2 to intervene. If you wish to intervene, you must file an original and 13 copies of a
 3 written motion to intervene with the Commission no later than **July 9, 2010**, and a
 4 copy of the motion to the Company or its counsel and to all parties of record. Your
 5 motion must contain the following:

- 1 1. Your name, address, and telephone number and the name, address and
 2 telephone number of any party upon whom service of documents is to
 3 be made, if not yourself.
- 4 2. A short statement of your interest in the proceeding (e.g., a customer of
 5 the Company, a shareholder of the Company, etc.).
- 6 3. A statement certifying that you have mailed a copy of the motion to
 7 intervene to the Company or its counsel and to all parties of record in
 8 the case.

9 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 10 that all motions to intervene must be filed on or before July 9, 2010. If representation
 11 by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court,
 12 intervention will be conditioned upon the intervenor obtaining counsel to represent the
 13 intervenor. For information about requesting intervention, visit the Commission's
 14 website at <http://www.azcc.gov/divisions/utilities/forms/iinterven.pdf>. The granting of
 15 intervention, among other things, entitles a party to present sworn evidence at the
 16 hearing and to cross-examine other witnesses. However, failure to intervene will not
 17 preclude any interested person or entity from appearing at the hearing and providing
 18 public comment on the application or from filing written comments in the record of
 19 the case.

15 ADA/Equal Access Information

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

22 IT IS FURTHER ORDERED that the Company shall **publish** the above notice in a
 23 newspaper of general circulation within the proposed extended service territory and shall **mail** to
 24 each property owner in the requested service territory a copy of this notice by first-class U.S. Mail no
 25 later than **May 28, 2010**.

26 IT IS FURTHER ORDERED that the Company shall **file certification of mailing and**
 27 **publication** no later than **June 18, 2010**.

28 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
 publication, notwithstanding the failure of an individual customer to read or receive the notice.

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

4 IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
5 Rules of the Arizona Supreme Court with respect to practice of law and admission *pro hac vice*.

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

12 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
13 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

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

16 DATED this 30th day of April, 2010.

17
18 
19 BELINDA A. MARTIN
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed
22 this 30th day of April, 2010 to:

22 Lawrence V. Robertson, Jr., Esq.
23 P.O. Box 1448
24 Tubac, AZ 85646

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

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

Arizona Reporting Service, Inc.
2200 N. Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 