

ORIGINAL



0000111424

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2010 MAY 10 P 12:48

Arizona Corporation Commission

DOCKETED

MAY 10 2010

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY *MJ*

2 COMMISSIONERS

- 3 KRISTIN K. MAYES, Chairman
- 4 GARY PIERCE
- 5 PAUL NEWMAN
- 6 SANDRA D. KENNEDY
- 7 BOB STUMP

7 IN THE MATTER OF THE APPLICATION OF
8 PAYSON WATER COMPANY ON BEHALF
9 OF ITS MESA DEL CABALLO SYSTEM FOR
10 APPROVAL OF A WATER AUGMENTATION
11 SURCHARGE/EMERGENCY RATE TARIFF.

DOCKET NO. W-03514A-10-0116

10 IN THE MATTER OF THE NOTICE OF FILING
11 OF PAYSON WATER COMPANY'S PROPOSED
12 CHANGES TO ITS CURTAILMENT TARIFF
13 (MESA DEL CABALLO SYSTEM).

DOCKET NO. W-03514A-10-0117

PROCEDURAL ORDER

12 **BY THE COMMISSION:**

13 On March 31, 2010, Payson Water Company on behalf of its Mesa Del Caballo System
 14 ("PWC," "Applicant," "Company" or "MDC") filed with the Arizona Corporation Commission
 15 ("Commission") an application for the emergency implementation of a surcharge or emergency rate
 16 tariff due to water shortages on its MDC System. The Company claims that it can no longer augment
 17 the water supply for its MDC System and asserts that, in 2009, the Company absorbed \$59,137 in
 18 water hauling costs for the MDC System. The Company seeks a monthly surcharge/emergency rate
 19 tariff to be charged per 1,000 gallons of water for customers on the MDC System in order to offset the
 20 costs of hauling water. The Company is investigating two options to solve its water shortages on the
 21 MDC System in the following manner: by drilling a new deep well to serve MDC; or by connecting
 22 to the future C.C. Cragin Reservoir pipeline that will serve the City of Payson ("City").

23 Concurrently with the aforementioned application, the Company also filed an application for
 24 proposed changes to its Curtailment Tariff for its MDC System.

25 On April 5, 2010, the Company filed a Motion to Consolidate ("Motion") the above-captioned
 26 applications because the two matters are interrelated and could best be addressed by the Commission
 27 in one proceeding. There have been no objections filed to the Company's Motion.
 28

1 On April 22, 2010, by Procedural Order, the above-captioned applications were consolidated
2 and the matter was set for hearing on May 18, 2010,

3 On April 28, 2010, the Mesa Del Water Committee ("MDWC") filed a Motion to Intervene

4 On April 30, 2010, by Procedural Order, MDWC was granted intervention.

5 On May 6, 2010, Staff filed a Motion to Extend Filing Deadline for the Staff Report which is
6 due to be filed on May 7, 2010. Staff is requesting a short extension, until May 10, 2010 to file its
7 report. The company and MDWC have no objections to Staff's Motion.

8 Accordingly, an extension should be granted.

9 IT IS THEREFORE ORDERED that Staff's Motion to Extend Filing Deadline is hereby
10 granted and Staff shall have until May 10, 2010 to file the Staff Report.

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
12 Communications) applies to this proceeding as the matter is now set for public hearing.

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

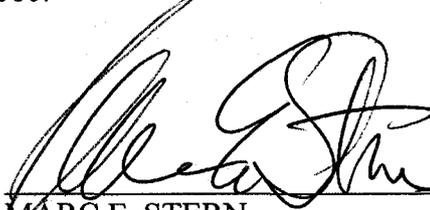
16 IT IS FURTHER ORDERED that consistent with Rule 31 of the Rules of the Arizona Supreme
17 Court, a non-profit organization may be represented by a corporate officer, employee, or a member
18 who is not an active member of the state bar if: (A) the non-profit organization has specifically
19 authorized the officer, employee, or member to represent it in the particular matter; (B) such
20 representation is not the person's primary duty to the non-profit organization, but is secondary or
21 incidental to such person's duties relating to the management or operation of the non-profit
22 organization; and (C) the person is not receiving separate or additional compensation (other than
23 reimbursement for costs) for such representation. Notwithstanding the foregoing provisions, the
24 Commission or presiding officer may require counsel in lieu of lay representation whenever it
25 determines that lay representation is interfering with the orderly progress of the proceeding, imposing
26 undue burdens on the other parties, or causing harm to the parties represented.

27 ...

28 ...

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 10th day of May, 2010.

4
5
6 
7 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

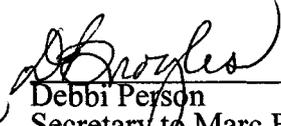
8 Copies of the foregoing mailed/delivered
9 this 10th day of May, 2010 to:

10 Patrick J. Black
11 FENNEMORE CRAIG, PC
12 3003 North Central Avenue, Suite 2600
13 Phoenix, AZ 85012-2913
14 Attorneys for Payson Water Company

15 MESA DEL WATER COMMITTEE
16 c/o El Caballo Club, Inc.
17 8119 Mescalero
18 Payson, AZ 85541

19 Janice Alward, Chief Counsel, Legal Division
20 ARIZONA CORPORATION COMMISSION
21 1200 West Washington Street
22 Phoenix, AZ 85007

23 Steven M. Olea, Director, Utilities Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27
28 By: 
Debbi Person
Secretary to Marc E. Stern