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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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2 WILLIAM A. MUNDELL
CHAIRMAN
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COMMISSIONER
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AZ CORP COMMISSION
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6 IN THE MATTER OF THE APPLICATION OF
7 STRAWBERRY WATER CO., INC. FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03513A-01-0727

PROCEDURAL ORDER

8 **BY THE COMMISSION:**

9 On September 13, 2001 Strawberry Water Co., Inc. ("Strawberry" or "Company") filed with
10 the Arizona Corporation Commission ("Commission") an application for an extension of its
11 Certificate of Convenience and Necessity ("CC&N") to include the Hardscrabble Mesa subdivision
12 and the existing supply locations within the Company's CC&N in Gila County, Arizona.

13 On October 3, 2001, the Commission's Utilities Division Staff ("Staff") filed a Non-
14 Sufficiency Letter indicating that Strawberry had not met the sufficiency requirements as set forth in
15 A.A.C. R14-2-602(A)(2). Staff also filed an amended legal description of the proposed CC&N
16 extension area on October 3, 2001.

17 On October 16, 2001, Strawberry filed an amended legal description of the requested CC&N
18 extension area.

19 On May 1, 2002, Staff filed its Staff Report in this matter recommending approval of the
20 application following a hearing.

21 By Procedural Order issued May 16, 2002, a hearing in this matter was scheduled for August
22 6, 2002 and Strawberry was ordered to publish notice of the application and the hearing in
23 accordance with the directives set forth in the Procedural Order.

24 On August 5, 2002, Robert Hardcastle, President of Brooke Utilities, Inc. (Strawberry's
25 parent company), contacted the Administrative Law Judge to explain that the notice ordered by the
26 May 16, 2002 Procedural Order had inadvertently not been made. The hearing was therefore
27 postponed. On September 6, 2002, Mr. Hardcastle submitted a letter requesting that the hearing in
28 this matter be rescheduled at the earliest available opportunity.

1 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall be
2 rescheduled to commence on December 10, 2002, at 10:00 a.m., or as soon thereafter as is practical,
3 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
5 except that all motions to intervene must be filed on or before November 15, 2002.

6 IT IS FURTHER ORDERED that objections to any motions to intervene must be filed by
7 November 22, 2002.

8 IT IS FURTHER ORDERED that Strawberry Water Company, Inc. shall provide direct
9 notice by mail, in the format set forth below, to each of its customers and to each resident of the
10 Hardscrabble Mesa subdivision.

11 IT IS FURTHER ORDERED that Strawberry Water Company, Inc. shall publish notice, as
12 stated below, in a newspaper of general circulation in Gila County, by October 25, 2002, and shall
13 file Affidavits of Publication no later than November 15, 2002.

14 **PUBLIC NOTICE OF HEARING ON THE**
15 **APPLICATION OF STRAWBERRY WATER CO., INC.**
16 **FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY**

17 On September 13, 2002, Strawberry Water Co., Inc. ("Company") filed an application
18 with the Arizona Corporation Commission ("Commission") for an extension of its
19 Certificate of Convenience and Necessity ("CC&N") to include the Hardscrabble Mesa
20 subdivision and the existing supply locations within the Company's CC&N. The
21 application is available for inspection during regular business hours at the offices of the
22 Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the
23 offices of the Company, [insert address].

24 The Commission will hold a hearing on this matter beginning December 10, 2002 at
25 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix,
26 Arizona. Public comment will be taken on the first day of the hearing.

27 The law provides for an open public hearing at which, under appropriate circumstances,
28 interested parties may intervene. Intervention shall be permitted to any person entitled by
law to intervene and having a direct and substantial interest in the matter. Persons
desiring to intervene must file a written motion to intervene with the Commission, which
motion should be sent to the Company or its counsel and to all parties of record, and
which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and
of any party upon whom service of documents is to be made if different
than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding
(e.g., a customer of the Company, a shareholder of the Company, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before November 15, 2002. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

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

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 24th day of September, 2002.



DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 24th day of September, 2002 to:

Robert Hardcastle
Brooke Utilities, Inc.
P.O. Box 82218
Bakersfield, CA 93380

Jay L. Shapiro
FENNEMORE CRAIG
3003 North Central Ave., Suite 26
Phoenix, AZ 85012-2913

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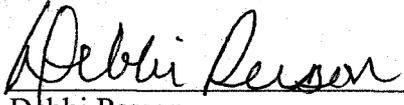
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1 Richard E. Henry
Hardscrabble Homeowners Association
1501 E. Granite Dells Rd.
2 Payson, AZ 85541

3 Christopher Kempley, Chief Counsel
Legal Division
4 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
5 Phoenix, Arizona 85007

6 Ernest Johnson, Director
Utilities Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, Arizona 85007

9 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
10 Phoenix, Arizona 85004-1104

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12 By: 
13 Debbi Person
14 Secretary to Dwight Nodes
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