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Arizona Corporation Commission

DOCKETED

BEFORE THE ARIZONA CORPORATION COMMISSION

SEP 05 2000

254 ORIGINAL

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

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2000 SEP -5 P 3: 23

AZ CORP COMMISSION
DOCUMENT CONTROL

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6 IN THE MATTER OF THE APPLICATION OF
H2O, INC., FOR AN EXTENSION OF ITS
7 EXISTING CERTIFICATE OF CONVENIENCE
AND NECESSITY.

DOCKET NO. W-02234A-00-0371

8 IN THE MATTER OF THE APPLICATION OF
9 JOHNSON UTILITIES, L.L.C., DBA JOHNSON
10 UTILITIES COMPANY FOR AN EXTENSION
11 FOR ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WATER AND
12 WASTEWATER SERVICE TO THE PUBLIC IN
THE DESCRIBED AREA IN PINAL COUNTY,
ARIZONA.

DOCKET NO. W-02987A-99-0583

PROCEDURAL ORDER

BY THE COMMISSION:

13
14 On October 18, 1999, Johnson Utilities Company ("Johnson") filed an Application to extend
15 its existing Certificate of Convenience and Necessity ("CC&N") for water and wastewater services
16 ("Application") with the Arizona Corporation Commission ("Commission").

17 On November 1, 1999, Johnson filed an Amended Application. On January 21, 2000,
18 Johnson filed a letter acknowledging that Johnson waives the requirement of A.A.C. Rule 14-2-411(c)
19 relating to the processing of the Application.

20 On June 15, 2000, Johnson filed a Second Amended Application revising the requested
21 expansion area.

22 On July 5, 2000, Johnson filed a Third Amended Application again revising the requested
23 expansion area stating that Johnson has received several additional requests from other property
24 owners to include their properties within its service area ("J-Application").

25 On August 25, 2000, Johnson filed a Fourth Amended Application again revising the
26 requested expansion area stating that Johnson has received two additional requests from property
27 owners to include properties within Johnson's service area.
28

1 On May 30, 2000, H2O, Inc. ("H2O") filed an Application for an Extension of its Existing
2 CC&N ("H-Application").

3 Our August 23, 2000 Procedural Order consolidated the above-referenced applications. On
4 August 25, 2000, Johnson filed a Fourth Amended Application due to additional property owners'
5 requests.

6 On August 30, 2000, at the request of Staff of the Commission ("Staff"), Johnson, and H2O, a
7 procedural conference was held. Due to Johnson's additional amended complaint, Staff requested
8 additional time to prepare a Staff Report. Neither Johnson nor H2O objected to a two-week
9 extension for Staff to file its Report. Additionally, H2O agreed to a two-week extension relating to
10 the Commission's rules. Based on the above, it is appropriate to grant this extension.

11 IT IS THEREFORE ORDERED that a hearing shall commence on October 19, 2000 at 11:00
12 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,
13 Phoenix, Arizona 85007.

14 IT IS FURTHER ORDERED that a pre-hearing conference shall be held on October 16, 2000
15 at 1:30 p.m., at the Commission's office in Phoenix, Arizona for the purpose of discussing the
16 scheduling of witnesses and the conduct of the hearing.

17 IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at
18 hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on September
19 26, 2000.

20 IT IS FURTHER ORDERED that any direct testimony and associated exhibits to be presented
21 at hearing on behalf of Intervenors shall be reduced to writing and filed on or before 4:00 p.m. on
22 October 4, 2000.

23 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be
24 presented at hearing by Applicants shall be reduced to writing and filed on or before 4:00 p.m. on
25 October 10, 2000.

26 IT IS FURTHER ORDERED that any surrebuttal and rejoinder testimony may be presented
27 orally at hearing.

28 IT IS FURTHER ORDERED that any objections to any testimony or exhibits, which have

1 been prefiled as of October 10, 2000, shall be made on or before October 13, 2000.

2 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
3 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
4 scheduled to testify.

5 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
6 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
7 before the witness is scheduled to testify.¹

8 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding
9 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

10 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
11 except that all motions to intervene must be filed on or before October 4, 2000.

12 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
13 regulations of the Commission, except that: any objection to discovery requests shall be made within
14 three days² of receipt; responses to discovery requests shall be made within five days of receipt; the
15 response time may be extended by mutual agreement of the parties involved if the request requires an
16 extensive compilation effort; and no discovery requests shall be served after October 11, 2000.

17 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
18 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
19 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
20 request, a procedural hearing will be convened as soon as practicable; and that the party making such
21 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
22 hearing provide a statement confirming that the other parties were contacted.³

23 IT IS FURTHER ORDERED that Applicants shall provide public notice of the hearing in this
24 matter, in the following form and style, with the hearing in no less than 24 point bold type and the
25 body in no less than 10 point regular type:

26 ¹ These summaries are for the administrative convenience of the Commission at hearing and will not
27 become evidence in the case. Oral summaries will not be taken at hearing.

28 ² All reference to "days" is to calendar days.

³ The parties are encouraged to attempt to settle discovery disputes through informal, good faith
negotiations before seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that Johnson Utilities Company and H2O, Inc. shall file
2 certification of mailing as soon as practicable after the notification has been completed.

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

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

7 DATED this 5th day of September, 2000.

8
9
10 
11 KAREN E. NALLY
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 5th day of September, 2000 to:

14
15 Thomas H. Campbell
16 Gregory Y. Harris
17 LEWIS & ROCA
18 40 N. Central Avenue
Phoenix, Arizona 85004
Attorneys for Johnson Utilities Company

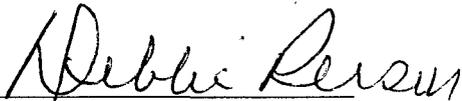
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1 Deborah R. Scott
2 Utilities Division Director
3 ARIZONA CORPORATION COMMISSION
4 1200 W. Washington Street
5 Phoenix, Arizona 85007

6
7
8 Arizona Reporting Service, Inc.
9 2627 N. Third Street, Suite Three
10 Phoenix, Arizona 85004-1103

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By: 
Debbi Person
Secretary to Karen E. Nally