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BEFORE THE ARIZONA CORPORATION COMMISSION

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CARL J. KUNASEK
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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES, L.L.C., DBA JOHNSON
UTILITIES COMPANY FOR AN EXTENSION
FOR ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE WATER AND
WASTEWATER SERVICE TO THE PUBLIC IN
THE DESCRIBED AREA IN PINAL COUNTY,
ARIZONA.

DOCKET NO. W-02987A-00-0618

PROCEDURAL ORDER

BY THE COMMISSION:

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

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

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

On July 5, 2000, Johnson filed a Third Amended Application again revising the requested expansion area stating that Johnson has received several additional requests from other property owners to include their properties within its service area. On August 25, 2000, Johnson filed a Fourth Amended Application due to additional property owners' requests.

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

Our August 23, 2000 Procedural Order bifurcated Johnson's application regarding the non-contested territory, including water and wastewater services, from Docket Nos. W-02234A-00-0371 and W-02987A-99-0583.

On August 30, 2000, at the request of Staff of the Commission ("Staff"), Johnson, and H2O, a

1 procedural conference was held. Due to Johnson's additional amended complaint, Staff requested
2 additional time to prepare a Staff Report. Johnson did not object to a two-week extension for Staff to
3 file its Report. Based on the above, it is appropriate to grant this extension.

4 IT IS THEREFORE ORDERED that a hearing shall commence on October 19, 2000 at 10:00
5 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street,
6 Phoenix, Arizona 85007.

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

10 IT IS FURTHER ORDERED that the Staff Report and associated exhibits to be presented at
11 hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on September
12 26, 2000.

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

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

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

21 IT IS FURTHER ORDERED that any objections to any testimony or exhibits, which have
22 been prefiled as of October 10, 2000, shall be made on or before October 13, 2000.

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

26 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
27 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
28

1 before the witness is scheduled to testify.¹

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

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 October 4, 2000.

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

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

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

20 **PUBLIC NOTICE OF THE HEARING FOR**
21 **JOHNSON UTILITIES COMPANY FOR EXTENSION OF ITS**
22 **CERTIFICATE OF CONVENIENCE AND NECESSITY.**

23 On October 18, 1999, Johnson Utilities Company ("Johnson") filed an Application
24 for an extension of its water and wastewater Certificate of Convenience and Necessity
25 with a fourth amended application filed on August 25, 2000.

26 The Commission will hold a hearing on this matter commencing on October 19,
27 2000, at 10:00 a.m. at the Commission's offices, 1200 West Washington at the
28 hearing.

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

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.

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The law provides for an open public hearing at which, under appropriate circumstances, 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 Applicants 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 Applicants, a shareholder of Applicants, a competitor, 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 October 4, 2000. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

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 Cynthia Mercurio-Sandoval, ADA Coordinator, voice phone number 602/542-0838, E-mail *csandoval@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 Applicant shall mail by first-class U.S. Mail the above notice to its customers and to all property owners within Applicant's proposed extension areas with mailing to be completed by September 22, 2000.

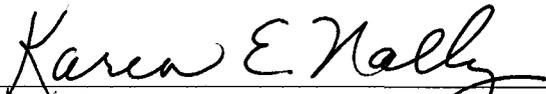
IT IS FURTHER ORDERED that Johnson Utilities Company shall file certification of mailing as soon as practicable after the notification has been completed.

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

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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 5th day of September, 2000.

4 
5 KAREN E. NALLY
6 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

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

9 Thomas H. Campbell
10 Gregory Y. Harris
11 LEWIS & ROCA
12 40 N. Central Avenue
13 Phoenix, Arizona 85004
14 Attorneys for Johnson Utilities Company

15 Richard L. Sallquist
16 SALLQUIST & DRUMMOND
17 2525 E. Arizona Biltmore Circle, Suite 117
18 Phoenix, Arizona 85016

19 Norman D. James
20 Karen E. Errant
21 FENNEMORE CRAIG
22 3003 N. Central Ave., Suite 2600
23 Phoenix, Arizona 85012-2913
24 Attorneys for H₂O, Inc

25 Lyn Farmer, Chief Counsel
26 ARIZONA CORPORATION COMMISSION
27 1200 W. Washington Street
28 Phoenix, Arizona 85007

Deborah R. Scott
Utilities Division Director
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007

1 Arizona Reporting Service, Inc.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1103

4 By: Debbi Person
5 Debbi Person
6 Secretary to Karen E. Nally
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