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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2010 NOV -2 P 3: 11

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

J. STEPHEN GEHRING,
COMPLAINANT,

Arizona Corporation Commission

DOCKET NO. W-03514A-10-0329

DOCKETED

NOV - 2 2010

VS.

PAYSON WATER CO., INC.,

DOCKETED BY

RESPONDENT.

PROCEDURAL ORDER

BY THE COMMISSION:

On August 5, 2010, J. Stephen Gehring filed with the Arizona Corporation Commission (“Commission”) a formal complaint against Payson Water Co., Inc. (“Payson Water” or “Company”) alleging that Payson Water, among other things, created water outages due to negligence; misrepresented customer usage; harassed and intimidated customers; demanded reconnection fees “by misrepresentation and fraud;” and “cause[d] property and financial injury and loss of income.”

On September 29, 2010, a Procedural Order was issued scheduling a procedural conference for October 22, 2010.

The October 22, 2010, procedural conference was held, as scheduled, to discuss the possibility of settlement discussions between the parties. The parties indicated an interest in meeting to discuss settlement, and asked that the Commission’s Staff be involved in a mediation capacity.

On October 27, 2010, Payson Water filed a Notice of Potential Settlement Conference Dates, stating that November 10 or 22, 2010 were the parties’ available dates for holding a settlement conference.

IT IS THEREFORE ORDERED that a **settlement conference shall be conducted in this matter on November 22, 2010, at 10:00 a.m.**, at the Commission’s offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007. The purpose of the settlement conference is to afford the

1 parties an opportunity to discuss resolution of the complaint, with the assistance of Commission Staff
2 in an advisory/mediation capacity. The administrative law judge will not participate in the
3 conference and no court reporter will be in attendance.

4 **IT IS FURTHER ORDERED that Payson Water and Mr. Gehring shall file, within 30**
5 **days of the settlement conference, a statement indicating whether the complaint has been**
6 **resolved, whether additional time is needed for discussions, or whether the matter should be set**
7 **for hearing.** If the parties request a hearing, they should propose several alternative dates when they
8 would be available to proceed to hearing.

9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
10 Communications) applies to this proceeding.

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

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

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

23 DATED this 2nd day of November, 2010.

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DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
this 2nd day of November, 2010, to:

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By: 
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