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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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OCT 18 2010

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

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
MICHAEL W. SCHULTZ AND PAMELA J.
SCHULTZ DBA RINCON CREEK WATER
COMPANY, FOR APPROVAL OF SALE OF
ASSETS AND TRANSFER CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03783A-10-0172

PROCEDURAL ORDER

BY THE COMMISSION:

On May 3, 2010, Michael W. Schultz and Pamela J. Schultz d/b/a Rincon Creek Water Comany ("Rincon Creek" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its water system assets and transfer its Certificate of Convenience and Necessity ("CC&N") to William Shirley and Gretchen Shirley ("Application").

On May 25, 2010, Rincon Creek filed a certification that it had mailed notice of the Application to its customers and published notice of the Application in *The Arizona Daily Star*.

On July 23, 2010, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter in this docket.

On September 22, 2010, Staff filed a Sufficiency Letter in this docket indicating the Application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On October 8, 2010, Staff filed its Staff Report in this matter.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **December 10, 2010, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
2 105, except that all **Motions to Intervene must be filed on or before November 19, 2010.**

3 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
4 **Intervene shall be filed on or before November 29, 2010.**

5 IT IS FURTHER ORDERED that the Applicant shall **mail to each customer and property**
6 **owner or property owner representative** in the CC&N area a copy of the following notice and shall
7 cause the following notice **to be published in a newspaper of general circulation in its service**
8 **territory**, with publication and mailing to be completed no later than **November 8, 2010.**

9 IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and**
10 **publication** as soon as practicable after mailing and publication has been completed, but not later
11 than **November 22, 2010.**

12 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
13 publication of same, notwithstanding the failure of an individual customer or property owner to read
14 or receive the notice.

15 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in
16 this matter, in the following form and style with the heading in no less than 14-point bold type and
17 the body in no less than 10-point regular type:

18
19 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
20 **MICHAEL W. SCHULTZ AND PAMELA J. SCHULTZ**
21 **DBA RINCON CREEK WATER COMPANY**
22 **FOR APPROVAL OF SALE OF ASSETS AND TRANSFER OF CERTIFICATE**
23 **OF CONVENIENCE AND NECESSITY.**
24 **(Docket No. W-03783A-10-0172)**

25 **Summary**
26 On May 3, 2010, Michael W. Schultz and Pamela J. Schultz d/b/a Rincon Creek Water
27 Company ("Applicant"), filed with the Arizona Corporation Commission
28 ("Commission") an application for approval to sell its water system assets and transfer
its Certificate of Convenience and Necessity to William Shirley and Gretchen Shirley.
The Commission's Utilities Division ("Staff") has recommended approval of the
Applicant's application. The Commission is not bound by the proposals made by the
Applicant, Staff, or any intervenors. The Commission will issue a decision regarding
the Applicant's application following consideration of testimony and evidence
presented at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available at the Applicant's offices [APPLICANT INSERT ADDRESS HERE] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, and the Commission's Tucson offices at 400 West Congress, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **December 10, 2010, at 10:00 a.m.**, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions), or by mailing a letter referencing Docket Number W-03783A-10-0172 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000 or (520) 628-6550.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. **If you would like to intervene, you must file a written motion to intervene with the Commission no later than November 19, 2010.** You must send copies of the motion to the Applicant or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Applicant, a shareholder of the Applicant, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Applicant 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 19, 2010.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utility/forms.asp>. 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.**

ADA/Equal Access Information 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 the ADA Coordinator Shaylin Bernal, E-mail SBernal@azcc.gov, voice phone number (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

6 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
7 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
8 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
9 30 days of the date of this Procedural Order.

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

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
17 Communications) applies to this proceeding and shall remain in effect until the Commission's
18 Decision in this matter is final and non-appealable.

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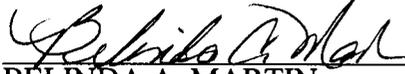
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.
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5 Dated this 15th day of October, 2010.
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8 
9 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

10
11 Copies of the foregoing mailed/delivered
this 15th day of October, 2010, to:

12 Michael W. Schultz
13 RINCON CREEK WATER COMPANY
14 1102 North Anita Avenue
Tucson, AZ 85705

15 William Shirley
16 14545 East Rincon Creek Ranch Road
Tucson, AZ 85747

17 Janice Alward, Chief Counsel
18 Legal Division
ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
Phoenix, AZ 85007

20 Steven M. Olea, Director
21 Utilities Division
ARIZONA CORPORATION COMMISSION
22 1200 West Washington
Phoenix, AZ 85007

23 ARIZONA REPORTING SERVICE, INC.
24 2200 N. Central Ave., Suite 502
Phoenix, AZ 85004

25 By: 
26 Belinda A. Martin