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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2010 NOV 30 A 10:38

DOCKETED

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

NOV 30 2010

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
SUE JUAN WATER COMPANY., FOR
AUTHORIZATION TO SELL AND TRANSFER
WATER SYSTEM ASSETS TO THE CITY OF
BENSON AND CANCELLATION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01521A-09-0121

PROCEDURAL ORDER

BY THE COMMISSION:

On March 16, 2009, Sue Juan Water Company ("SJWC" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its assets and operations to the City of Benson and to cancel the Applicant's Certificate of Convenience and Necessity ("Application").

On April 1, 2009, SJWC filed an Affidavit of Publication indicating that the Applicant had published notice of the Application in the *San Pedro Valley News* on March 25, 2009.

On April 15, 2009, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter in this docket.

On October 20, 2010, correspondence from the City of Benson regarding the purchase was filed in this docket.

On November 16, 2010, Staff filed a Sufficiency Letter in this docket indicating the Applicant's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

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 **February 24, 2011, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's

1 offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

2 IT IS FURTHER ORDERED that Staff shall file a **Staff Report** in this matter on or before
3 **January 13, 2011.**

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
5 105, except that all Motions to Intervene must be filed on or before **January 20, 2011.**

6 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
7 **Intervene** shall be filed on or before **January 27, 2011.**

8 IT IS FURTHER ORDERED that SJWC shall **mail to each customer and property owner**
9 **or property owner representative** in the requested cancellation of CC&N area a copy of the notice
10 stated below, and shall cause the notice to be published in a newspaper of general circulation in its
11 service territory, with publication and mailing to be completed no later than **December 23, 2010.**

12 IT IS FURTHER ORDERED that SJWC shall **file certification of mailing and publication**
13 as soon as practicable after the mailing/publication has been completed, but not later than **January 7,**
14 **2011.**

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

18 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in
19 this matter, in the following form and style:

20
21 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
22 **SUE JUAN WATER COMPANY FOR APPROVAL OF SALE OF ASSETS**
23 **AND CANCELLATION OF CERTIFICATE**
24 **OF CONVENIENCE AND NECESSITY.**
25 **(DOCKET NO. W-01521A-09-0121)**

26 **Summary**

27 On March 16, 2009, Sue Juan Water Company ("Company") filed with the Arizona
28 Corporation Commission ("Commission") an application for approval to sell its assets
and operations to the City of Benson and to cancel its Certificate of Convenience and
Necessity. The Commission's Utilities Division ("Staff") has not yet made a
recommendation regarding the Company's application, and the Commission is not
bound by the proposals made by the Company, Staff, or any intervenors. The
Commission will issue a decision regarding the Company'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 Company's offices [COMPANY INSERT ADDRESS HERE] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, or 400 West Congress, Tucson, Arizona, 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 **February 24, 2011, 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-01521A-09-0121 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 January 20, 2011.** You must send copies of the motion to the Company 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 Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your 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 January 20, 2011.** 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

1 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
2 SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made
as early as possible to allow time to arrange the accommodation.

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

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

8 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
9 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
10 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
11 30 days of the date of this Procedural Order.

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

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

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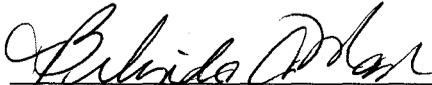
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.
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5 Dated this 30th day of November, 2010.
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8 
9 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

10
11 Copies of the foregoing mailed/delivered
this 20th day of November, 2010, to:

12 Chester C. Antonick, Sr.
13 SUE JUAN WATER COMPANY
10570 South Nogales Highway
14 Tucson, AZ 85706

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

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

21 ARIZONA REPORTING SERVICE, INC.
22 2200 N. Central Ave., Suite 502
Phoenix, AZ 85004

23 By: 
24 Belinda A. Martin
25
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