

ORIGINAL



0000122002

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JAN 14 2011

2011 JAN 14 A 10:49

AT CLERK'S OFFICE
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF THE INVESTIGATION OF THE FAILURE OF BELLEMONT WATER COMPANY, AN ARIZONA PUBLIC SERVICE CORPORATION, AND BELLEMONT WATER COMPANY SHAREHOLDERS BRAD NESS, GLORIA NESS, ERIK NESS, DINAH NESS (AKA DIANA NESS), OPERATING AS AN ARIZONA PUBLIC SERVICE CORPORATION IN FACT, TO COMPLY WITH ARIZONA STATUTES AND COMMISSION RULES AND REGULATIONS.

DOCKET NO. W-02526A-10-0499

PROCEDURAL ORDER
(Schedules a Procedural Conference)

BY THE COMMISSION:

On December 16, 2010, the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission") filed a Complaint against Bellemont Water Company ("BWC") and certain of its shareholders as follows: Brad Ness, Gloria Ness; Erik Ness; and Dianah Ness (aka Diana Ness) (collectively "Respondents") for alleged violations of Arizona law and Commission Decisions.

On January 6, 2011, a Joint Answer was filed by BWC, Brad Ness, Gloria Ness, Erik Ness and Dianah Ness.

On January 12, 2011, a separate response was filed by Klaudia Ness who was not named as a Respondent in the Complaint.

Accordingly, a procedural conference should be scheduled on the issues raised by the Complaint.

IT IS THEREFORE ORDERED that a **procedural conference** shall be held on **February 8, 2011, at 11:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) is in effect and shall remain in effect until the Commission's Decision in this

1 matter is final and non-appealable.

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

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

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

14 DATED this 14TH day of January, 2011.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

15
16
17
18
19 Copies of the foregoing mailed/delivered
this 14TH day of January, 2011 to:

20 Brad Ness
21 Gloria Ness
22 Erik Ness
23 Dianah Ness
3960 N. Pinal Street
Kingman, AZ 86409

24 Bellemont Water Company
25 P.O. Box 31176
Flagstaff, AZ 86003

26 Klaudia Ness
27 Elliot Ness
7350 Hutton Ranch Rd.
Flagstaff, AZ 86004

28

1 Mary Keller Wong
Estate of George Wong
10476W. Harmon
2 Peoria, AZ 85345

3 Janice Alward, Chief Counsel
Legal Division
4 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
5 Phoenix, AZ 85007

6 Steve Olea, Director
Utilities Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, AZ 85007

9 ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
10 Phoenix, AZ 85004-1481

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: 
Debbi Person
Assistant to Marc E. Stern