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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

FIDENCE DEVELOPMENT, LLC
Complainant,
v.
ARIZONA-AMERICAN WATER COMPANY,
Respondent.

DOCKET NO. W-01303A-09-0097

PROCEDURAL ORDER

BY THE COMMISSION:

On March 2, 2009, Fidence Development, LLC ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint ("Complaint") against Arizona-American Water Company ("AZ-American" or "Respondent").

On March 11, 2009, counsel for AZ-American filed a Notice of Appearance.

On March 25, 2009, the parties filed a joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 8, 2009.

On April 8, 2009, the parties filed a second joint Notice of Stipulated Extension, stating that the parties agree to extend the time for AZ-American to file its Answer to the Complaint until April 15, 2009.

On April 17, 2009, AZ-American filed its Answer to the Complaint.

On May 2, 2009, by Procedural Order, a Procedural Conference was set for June 2, 2009.

On June 2, 2009, a Procedural Conference was held as scheduled. The Commission's Utilities Division ("Staff") and the parties appeared through counsel. During the conference, the parties were directed to engage in settlement discussions and to file an update regarding the status of the discussions by July 2, 2009.

1 On July 2, 2009, the parties docketed a joint filing requesting an additional forty-five (45)
2 days, or until August 17, 2009, to continue settlement discussions.

3 On August 17, 2009, the parties docketed a second joint filing requesting an additional sixty
4 (60) days, or until October 16, 2009, to continue settlement discussions.

5 On October 16, 2009, the parties filed a third joint filing requesting additional time, until
6 December 15, 2009, to continue settlement discussions.

7 On November 4, 2009, by Procedural Order, the parties were directed to make a joint filing,
8 on or before January 30, 2010, updating the Commission on the status of the Complaint.

9 On January 28, 2010, the parties filed a Joint Status Update. In the filing, the parties
10 requested an additional sixty (60) days to finalize a written settlement agreement.

11 On February 4, 2010, by Procedural Order, the parties were granted an extension of time, until
12 April 1, 2010, to update the Commission on the status of the settlement negotiations or to file a
13 finalized settlement agreement.

14 On March 25, 2010, the parties filed a Joint Status Update requesting additional time, until
15 June 1, 2010, to finalize a written settlement agreement.

16 On April 13, 2010, by Procedural Order, the parties were granted an extension of time until
17 July 2, 2010, to file a finalized settlement agreement.

18 On June 25, 2010, the parties filed a Joint Status Update, requesting an extension of time until
19 September 3, 2010, to file a written settlement agreement. The filing stated the parties have continued
20 to work on finalizing the settlement agreement, but that additional time was needed.

21 On June 29, 2010, by Procedural Order, the parties were granted an extension of time until
22 December 31, 2010, to file a finalized settlement agreement.

23 On January 3, 2011, AZ-American filed a Status Update regarding the status of settlement
24 discussions. AZ-American stated that some or all of the real property that is the subject of the main
25 extension agreement in this matter has been transferred to a new owner. AZ-American has begun
26 discussions with the new owner and requests that the deadline to finalize a written settlement
27 agreement be extended until March 4, 2011.

28 The request for additional time is reasonable and should be granted.

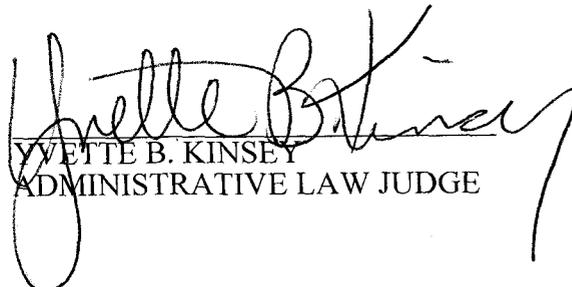
1 IT IS THEREFORE ORDERED that Complainant and AZ-American shall jointly file, by
2 **March 4, 2011**, a finalized written settlement agreement in this docket.

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

5 IT IS FURTHER ORDERED that withdrawal of 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 Arizona Supreme Court). Representation before the Commission includes the obligation to
8 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
9 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
10 the Administrative Law Judge or the Commission.

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

14 DATED this 15th day of February, 2011.

15
16 
17 YVETTE B. KINSEY
18 ADMINISTRATIVE LAW JUDGE

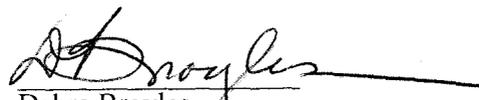
19 Copies of the foregoing mailed/delivered
20 this 15th day of February, 2011 to:

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By: 
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