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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 25 2011

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE CURRENT FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES BASED THEREON FOR UTILITY SERVICE BY ITS AGUA FRIA WATER DISTRICT, HAVASU WATER DISTRICT, AND MOHAVE WATER DISTRICT.

DOCKET NO. W-01303A-10-0448

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 13, 2010, Arizona-American Water Company ("Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Agua Fria Water District, Havasu Water District, and Mohave Water District.

On January 20, 2011, a rate case procedural order was issued setting a hearing date and associated procedural deadlines. The hearing is currently set to commence on August 17, 2011, at 1:00 p.m.

Intervention has been granted to the Residential Utility Consumer Office ("RUCO") and the Water Utility Association of Arizona ("WUAA").

On March 21, 2011, the Company filed Notice of Filing Affidavits of Publication indicating that the Company caused notice of the application and hearing to be made in accordance with the requirements of the January 20, 2011 rate case procedural order.

On March 22, 2011, an intervention request was filed in this docket. The filing was signed by David Nilson, Director of Development, DMB White Tank, LLC.

Pursuant to Arizona Supreme Court Rules governing the practice of law in Arizona, DMB White Tank, LLC must be represented by counsel before the Commission.

1 On March 24, 2011, an intervention request was filed in this docket. The filing was signed by  
2 Melinda Gulick, President of the Verrado Community Association, Inc. ("Association").

3 Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be  
4 represented before the Commission by a corporate officer, employee, or a member who is not an  
5 active member of the state bar, if (1) the non-profit organization has specifically authorized the  
6 officer, employee, or member to represent it in the particular matter; (2) such representation is not the  
7 person's primary duty to the non-profit organization, but is secondary or incidental to such person's  
8 duties relating to the management or operation of the non-profit organization; and (3) the person is  
9 not receiving separate or additional compensation (other than reimbursement for costs) for such  
10 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or  
11 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay  
12 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on  
13 the other parties, or causing harm to the parties represented.

14 If the Association wishes Ms. Gulick or another qualified lay representative to represent the  
15 Association in lieu of representation by counsel in this matter, the Association must docket specific  
16 authorization, such as a board resolution, for a lay person meeting the requirements of Arizona  
17 Supreme Court Rule 31(d)(28) to represent it in this matter. Without such authorization, the  
18 Commission cannot, pursuant to Arizona Supreme Court Rule 31(d)(28), allow Ms. Gulick or any  
19 other lay person to appear and represent the Association in this proceeding.

20 IT IS THEREFORE ORDERED that the intervention request of DMB White Tank, LLC will  
21 be considered once an intervention request is filed in this docket by counsel representing DMB White  
22 Tank, LLC in this matter.

23 IT IS FURTHER ORDERED that the intervention request of the Verrado Community  
24 Association, Inc. will be considered once one of the following is filed in this docket: (1) specific  
25 authorization, such as a board resolution, for Ms. Gulick or another specifically named lay person  
26 meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to represent the Association in  
27 this matter; or (2) an intervention request filed by counsel representing the Verrado Community  
28 Association, Inc. in this matter.

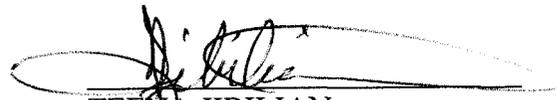
1 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
2 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
3 *pro hac vice*.

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

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

13 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
14 or waive any portion of this procedural order either by subsequent procedural order or by ruling at  
15 hearing.

16 DATED this 25<sup>th</sup> day of March, 2011.

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20 TEENA JIBILIAN  
21 ADMINISTRATIVE LAW JUDGE  
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24 Copies of the foregoing mailed/delivered  
this 25<sup>th</sup> day of March, 2011 to:

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Secretary to Teena Jibilian  
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