

ORIGINAL



0000124867

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2011 APR 28 P 1:46

APR 28 2011

COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY  
*[Signature]*

IN THE MATTER OF THE APPLICATION  
OF PARK WATER COMPANY, INC. FOR  
APPROVAL OF A RATE INCREASE.

DOCKET NO. W-02353A-10-0242

PROCEDURAL ORDER

**BY THE COMMISSION:**

On July 29, 2010, Park Water Company, Inc. (“Park Water” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for an increase in its water rates and charges, using a test year ending December 31, 2009. Park Water’s application requests an increase in rates of \$26,138 over total test year revenues of \$70,372.

On July 14, 2010, the Commission’s Utilities Division (“Staff”) filed a Letter of Deficiency stating that Park Water’s application had not met the sufficiency requirements as outlined in the Arizona Administrative Code (“A.A.C.”).

On July 29, 2010, and August 19, 2010, Park Water filed responses to Staff’s Letter of Deficiency and Data Request.

On August 26, 2010, Staff filed a Letter of Sufficiency in this docket stating that Park Water’s application had met the sufficiency requirements as outlined in A.A.C. R14-2-103 and that Park Water has been classified as a Class D utility.

On September 29, 2010, Park Water filed a Request for Extension of Time. The Company requested an additional 60 days to amend its application to include the plant that was financed with the Water Infrastructure Finance Authority (“WIFA”) emergency surcharge. The Company stated that completion of the plant was imminent and that the plant would be placed into service as soon as the required testing and Arizona Department of Environmental Quality (“ADEQ”) approvals are obtained.

On October 20, 2010, the Company filed an amended request for an extension of time

1 requesting waiver of the time clock so that the Company could complete the plant needed and obtain  
2 the required testing and ADEQ approvals. Park Water's amended request also stated that Park Water  
3 needed the cash flow that will be generated from the plant to help pay for all of the WIFA loan  
4 requirements as well as to pay for unforeseen emergencies. Staff indicated that it did not object to the  
5 Company's request to waive the time clock.

6 On October 22, 2010, by Procedural Order, a Procedural Conference was scheduled for  
7 November 8, 2010, to discuss the approximate timeframe for the Company to file its amended  
8 application and given the timeframe for filing the amended application whether the 2009 test year is  
9 appropriate. The Procedural Order also suspended the time clock temporarily.

10 On November 8, 2010, the Procedural Conference was held as scheduled. Staff appeared  
11 through counsel and Ms. Patricia O'Connor, President of Park Water appeared telephonically on  
12 behalf of the Company. During the Procedural Conference, Ms. O'Connor stated that she believed  
13 the Company could file its amended application within a week and that all testing and ADEQ  
14 approvals would be completed within the next 30 days. Given the timeframe discussed by the  
15 Company, Staff stated that using the 2009 test year would save the Company two to three months  
16 administrative review and because Staff believes the 2009 and 2010 test year numbers would be  
17 similar, the 2009 test year was still appropriate. At the conclusion of the Procedural Conference, Staff  
18 was directed to make a filing updating the Commission on the status of Staff's review of the  
19 Company's amended application within the next 30 days.

20 On November 9, 2010, by Procedural Order, Staff was ordered to file a Status Report  
21 updating the Commission on Staff's review of the Company's amended application by December 10,  
22 2010.

23 On December 10, 2010, Staff filed a Status Report stating Park Water failed to include with  
24 its amended application all supporting documentation (invoices) for the new plant put into service.  
25 Except for the missing invoices, Staff states the amended application and supplemental filing is  
26 sufficient. Staff recommends that the Staff Report on the amended application be filed 60 days after  
27 Staff receives all of the missing invoices.  
28

1 On January 5, 2011, by Procedural Order, Staff's request was granted and the timeclock  
2 remained suspended.

3 On February 22, 2011, Staff filed a Notice of Receipt of Documentation and Request to  
4 Restart the Timeclock ("Notice"). In its Notice, Staff stated that it had received all missing invoices  
5 as of February 10, 2011 and that Staff will file a Staff Report on or about April 11, 2011.

6 On April 11, 2011, Staff filed a Staff Report in this matter recommending approval of the rate  
7 increase application.

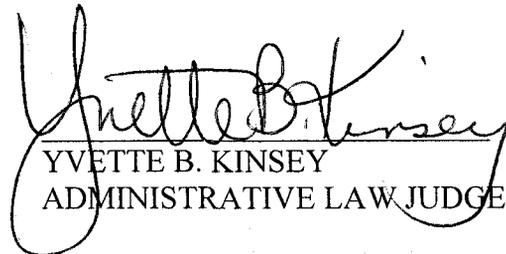
8 Accordingly, Staff's request to restart the timeclock should be granted.

9 IT IS THEREFORE ORDERED that Staff's request to restart the timeclock is hereby granted.

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 Arizona  
12 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
13 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for  
14 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
15 Law Judge or Commission.

16 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
17 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

18 DATED this 28<sup>th</sup> day of April, 2011.

19  
20  
21   
22 YVETTE B. KINSEY  
23 ADMINISTRATIVE LAW JUDGE  
24  
25  
26  
27  
28

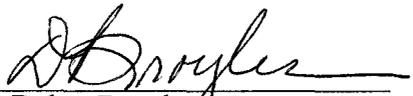
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Copies of the foregoing mailed  
this 20th day of April 2011, to:

Patricia M. O'Connor, President  
PARK WATER COMPANY, INC.  
P.O. Box 16173  
Phoenix, AZ 85011

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

Steven M. Olea, Director  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

By:   
Debra Broyles  
Secretary to Yvette B. Kinsey