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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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JUN 7 2011

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  
DONEY PARK WATER, A MEMBER OWNED  
NON-PROFIT CORPORATION, FOR A  
DETERMINATION OF THE FAIR VALUE OF  
ITS PROPERTY FOR RATEMAKING  
PURPOSES, TO FIX A JUST AND  
REASONABLE RETURN THEREON, AND TO  
APPROVE RATES DESIGNED TO DEVELOP  
SUCH RETURN.

DOCKET NO. W-01416A-10-0450

PROCEDURAL ORDER

**BY THE COMMISSION:**

On November 3, 2010, Doney Park Water Company ("Doney Park") filed with the Arizona Corporation Commission ("Commission") an application for a permanent rate increase. Specifically, Doney Park requests authorization to increase its rates to generate an additional \$646,487 in annual revenues, approximately a 32.58% increase over its reported adjusted test year revenues of \$1,984,154. In its application, Doney Park used a test year ending December 31, 2009.

On December 7, 2010, the Commission's Utilities Division Staff ("Staff") issued a Letter of Sufficiency stating that Doney Park's application has met the sufficiency requirements outlined in Arizona Administrative Code ("A.A.C.") R14-2-103 and that Doney Park had been classified as a Class B utility.

On December 9, 2010, a Procedural Order was issued scheduling the hearing in this matter to commence on August 22, 2011, and to continue on August 25 and 26, 2011, if necessary. The Procedural Order also scheduled a prehearing conference to be held on August 15, 2011, and established other procedural requirements and deadlines.

On February 17 and 23, 2011, Doney Park filed notice of compliance with public notice requirements, showing that notice had been published in the *Arizona Daily Sun* on January 16, 2011, and had been mailed to Doney Park's customers on January 7, 2011.

1 On May 23, 2011, Doney Park filed revised schedules for its application.

2 On May 27, 2011, Staff filed a Request for Extension of Time to File Testimony and for  
3 Waiver of Time Clock ("Request"), stating that Staff is unable to complete and file its Direct  
4 Testimony by June 6, 2011, because Doney Park has been unable to provide Staff with all of the  
5 documents that Staff needs to examine in preparing its testimony. Staff stated that Doney Park is to  
6 provide the remaining documents on June 24, 2011. Staff requested an extension of at least 45 days  
7 to file its testimony and exhibits, requested that the procedural schedule (including the hearing dates)  
8 be adjusted accordingly, and requested that the time clock be waived until such time as Doney Park  
9 has provided complete responses to Staff's First Set of Data Requests.

10 On June 3, 2011, Doney Park filed a response to the Request, stating that Doney Park does  
11 not oppose a 45-day extension of the procedural schedule or a 45-day suspension on the time clock.

12 Doney Park proposed the following revised schedule:

Event	Original Date	New Date
Staff and Intervenor Direct Due	June 6, 2011	July 20, 2011
Doney Park Rebuttal Due	July 5, 2011	August 17, 2011
Staff and Intervenor Surrebuttal Due	July 26, 2011	September 7, 2011
Doney Park Rejoinder Due	August 9, 2011	September 23, 2011
Written Summaries of Testimony Due	August 11, 2011	September 26, 2011
Substantive Corrections, Revisions, or Supplement to Testimony; Objections to Testimony; Prehearing Conference	August 15, 2011	September 30, 2011
Hearing	August 22, 25, and 26, 2011	Week of October 3, 2011

19 Doney Park asserted that Staff had been consulted as to the revised schedule and had no objection to  
20 the dates therein. Doney Park also noted that no intervention was requested herein by the deadline  
21 provided in the Procedural Order.

22 Because Staff does not yet have the information necessary to prepare its Direct Testimony and  
23 Exhibits, and Doney Park does not object to Staff's Request, it is reasonable and appropriate to grant  
24 Staff's Request. In addition, because Doney Park and Staff agree as to a revised procedural schedule,  
25 it is reasonable and appropriate to adopt that revised procedural schedule to the extent that it is  
26 consistent with the availability of Hearing Division resources. While the prehearing conference and  
27 the second and third scheduled days of hearing can be vacated, it is not appropriate to vacate fully the  
28 hearing date of August 22, 2011, as Doney Park has provided public notice of that date. Thus, it is

1 necessary to convene the hearing on that date solely for the purpose of taking public comment and  
2 announcing the new hearing dates.

3 IT IS THEREFORE ORDERED that the proceedings scheduled for **August 15, 2011, at 1:00**  
4 **p.m. and August 25 and 26, 2011, at 9:00 a.m.**, in Hearing Room #1, are hereby vacated.

5 IT IS FURTHER ORDERED that the **hearing** in the above-captioned matter shall commence  
6 on **August 22, 2011, at 9:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices,  
7 Hearing Room #1, 1200 West Washington, Phoenix, Arizona 85007, **solely for the taking of public**  
8 **comment and the announcement of new hearing dates.**

9 IT IS FURTHER ORDERED that a **prehearing conference** shall be held on **October 5,**  
10 **2011, at 1:00 p.m.**, or as soon thereafter as is practicable, at the Commission's offices, Hearing  
11 Room #1, 1200 West Washington, Phoenix, Arizona 85007.

12 IT IS FURTHER ORDERED that the **evidentiary portion of the hearing** in the above-  
13 captioned matter shall commence on **October 13, 2011, at 9:00 a.m.**, or as soon thereafter as is  
14 practicable, at the Commission's offices, Hearing Room #1, 1200 West Washington, Phoenix,  
15 Arizona 85007, and, if necessary, shall continue in the same location on **October 14, 2011, at 9:00**  
16 **a.m.**

17 IT IS FURTHER ORDERED that the **testimony and associated exhibits** to be presented at  
18 hearing by **Staff** shall be reduced to writing and filed on or before **July 20, 2011.**

19 IT IS FURTHER ORDERED that the **rebuttal testimony and associated exhibits** to be  
20 presented at hearing by **Doney Park** shall be reduced to writing and filed on or before **August 17,**  
21 **2011.**

22 IT IS FURTHER ORDERED that the **surrebuttal testimony and associated exhibits** to be  
23 presented at hearing by **Staff** shall be reduced to writing and filed on or before **September 7, 2011.**

24 IT IS FURTHER ORDERED that the **rejoinder testimony and associated exhibits** to be  
25 presented at hearing by **Doney Park** shall be reduced to writing and filed on or before **September**  
26 **23, 2011.**

27 IT IS FURTHER ORDERED that the parties shall prepare a brief written **summary** of the  
28 prefiled testimony of their witnesses and shall file each summary by **September 30, 2011.**

1 IT IS FURTHER ORDERED that copies of the summaries shall be served upon the  
2 Administrative Law Judge, the Commissioners, the Commissioners' Advisors, and the parties of  
3 record.

4 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
5 prefiled testimony shall be reduced to writing and filed no later than **noon on October 5, 2011.**

6 IT IS FURTHER ORDERED that any **objections to prefiled testimony or exhibits shall be**  
7 **made before or at the October 5, 2011, prehearing conference.**

8 IT IS FURTHER ORDERED that **each party shall individually prepare, and bring to the**  
9 **prehearing conference, copies of an issues matrix setting forth all disputed issues in the case.**  
10 **Each party's matrix shall indicate the position of each party on each disputed issue and shall**  
11 **indicate whether the issue remains in dispute or has been resolved and, if it has been resolved,**  
12 **in what manner.**

13 IT IS FURTHER ORDERED that all **testimony** filed shall include a **table of contents** listing  
14 the issues discussed therein.

15 IT IS FURTHER ORDERED that all **filings shall be made by 4:00 p.m. on the date the**  
16 **filing is due**, unless otherwise indicated herein.

17 IT IS FURTHER ORDERED that the **time clock** for the Commission to issue a decision in  
18 this matter is hereby **extended by 49 days.**

19 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by  
20 the Commission within 20 calendar days of the filing date of the motion shall be deemed denied.

21 IT IS FURTHER ORDERED that any responses to motions shall be filed within five calendar  
22 days of the filing date of the motion.

23 IT IS FURTHER ORDERED that any replies shall be filed within five calendar days of the  
24 filing date of the response.

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

28 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance

1 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
2 rules of the Arizona Supreme Court). Representation before the Commission includes the obligation  
3 to appear at all hearings, prehearing conferences, procedural conferences, and Open Meetings at  
4 which the matter is scheduled for discussion, unless counsel has previously been granted permission  
5 to withdraw by the Administrative Law Judge or the Commission.

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

9 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
10 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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 7th day of June, 2011.

15  
16   
17 SARAH N. HARPRING  
18 ADMINISTRATIVE LAW JUDGE

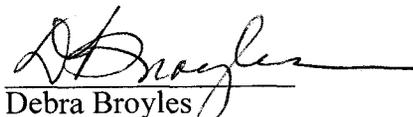
19 Copies of the foregoing mailed/delivered  
20 this 7th day of June, 2011, to:

21 William P. Sullivan  
22 Larry K. Udall  
23 CURTIS, GOODWIN, SULLIVAN,  
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By:   
Debra Broyles  
Secretary to Sarah N. Harpring