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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2011 JUN 15 P 1:42

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

JUN 15 2011

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY FOR A WAIVER UNDER A.A.C. R14-2-806 OR, IN THE ALTERNATIVE, NOTICE OF INTENT TO REORGANIZE UNDER A.A.C. R14-2-803.

DOCKET NO. W-01303A-11-0101

PROCEDURAL ORDER GRANTING INTERVENTION

BY THE COMMISSION:

On March 2, 2011, Arizona-American Water Company (“Arizona-American” or “Applicant”) filed with the Arizona Corporation Commission (“Commission”) an application for a waiver under A.A.C. R14-2-806 or, in the alternative, Notice of Intent to Reorganize under A.A.C. R14-2-803 (“Application and Notice”).

On March 4, 2011, the Residential Utility Consumer Office (“RUCO”) filed an Application to Intervene.

On March 7, 2011, a Procedural Order was issued setting a procedural conference for the purpose of discussing the processing of the Application and Notice.

On March 22, 2011, the procedural conference convened as scheduled. Counsel for the Applicant, RUCO and Staff appeared. No objection was made to RUCO’s intervention request. Applicant, RUCO and Staff discussed hearing dates and associated procedural deadlines.

On March 28, 2011, a Procedural Order was issued setting a hearing and associated procedural deadlines.

On May 17, 2011, Applicant filed a Notice of Filing Affidavit of Publication, indicating compliance with the publication and mailing of notice required by the March 28, 2011, Procedural Order.

On May 20, 2011, Applicant filed a Notice of Withdrawal of Waiver Request.

On June 6, 2011, a Motion to Intervene was filed by Robert Rials, President of the Corte Bella

1 Country Club Association, Inc. ("Corte Bella"). The Motion to Intervene stated that Mr. Rials
2 represents Corte Bella. Corte Bella is a non-profit corporation.

3 There has been no objection filed to the Motion to Intervene.

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

15 On June 13, 2011, Corte Bella filed a copy of the minutes of its May 24, 2011, Board of
16 Directors meeting, which indicate that Corte Bella's Board of Directors passed a motion specifically
17 authorizing Mr. Rials to represent Corte Bella in this docket.

18 IT IS THEREFORE ORDERED that the Corte Bella Country Club Association, Inc., a non-
19 profit corporation, is hereby granted intervention in this proceeding.

20 IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), Robert
21 Rials is hereby authorized to represent the Corte Bella Country Club Association, Inc. before the
22 Commission in this proceeding.

23 IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), the
24 Commission or its presiding officer may require counsel in lieu of lay representation if it is
25 determined that lay representation is interfering with the orderly progress of this proceeding,
26 imposing undue burdens on the other parties, or causing harm to the parties represented.

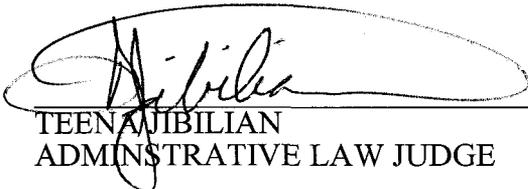
27 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
28 31, 38, and 42, and A.R.S. § 40-243 with respect to the practice of law.

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

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

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

13
14 DATED this 15th day of June, 2011.

15
16 
17 TEENA JIBILIAN
18 ADMINISTRATIVE LAW JUDGE

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

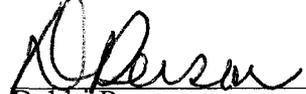
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