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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2011 JUN 29 A 8:05

DOCKETED

JUN 29 2011

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

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

JAY SPEAR,
COMPLAINANT,
VS.
ARIZONA WATER COMPANY,
RESPONDENT.

DOCKET NO. W-01445A-11-0179

PROCEDURAL ORDER

BY THE COMMISSION:

On April 27, 2011, Jay Spear filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against Arizona Water Company ("AWC"), in which Mr. Spear alleged that AWC had discriminated against Mr. Spear by treating him differently from similarly situated property owners and had imposed such an unreasonable requirement on Mr. Spear as a prerequisite to connecting his property for water utility service that it amounted to a taking of his property, both of which Mr. Spear asserted were violations of the Arizona and U.S. Constitutions. Specifically, Mr. Spear asserted that AWC was requiring Mr. Spear to pay for a new 6" main, at an estimated cost of \$10,833, as a prerequisite to providing water utility service to Mr. Spear's property. Mr. Spear asserted that other similarly situated property owners had been permitted to run private lines from meters on Mogollon Drive, at a much lower cost, and that he should be permitted to do the same. On the same day, a substantially similar complaint was filed by Ron Bailly, counsel for Mr. Spear, on his own behalf, in Docket No. W-01445A-11-0178 ("Bailly Docket").

Also on April 27, 2011, a copy of the Formal Complaint in this docket was sent to AWC, with a letter instructing AWC to respond within 20 days of the date that AWC acknowledged receiving the copy.

On May 5, 2011, Mr. Spear filed a Motion to Consolidate this docket with the Bailly Docket.

On May 17, 2011, AWC filed a Request for Additional Time to Respond ("Request"), seeking

1 a 30-day extension of time to file its Response to the Formal Complaint. AWC explained that it had
2 reached a settlement with Mr. Spear, but stated that additional time was needed to complete all of the
3 necessary requirements to memorialize the settlement before AWC's Response was due. AWC
4 further stated that Mr. Spear did not object to the Request and that counsel for Mr. Spear authorized
5 AWC to add counsel's name to the Request and to sign it on his behalf.

6 On May 20, 2011, a Procedural Order was issued granting AWC a 30-day extension of time to
7 file its Response to Mr. Spear's Formal Complaint.

8 On June 9, 2011, AWC filed a Withdrawal of Formal Complaint and Request for Dismissal,
9 explaining that AWC and Mr. Spear had completed their respective obligations pursuant to their
10 settlement and that Mr. Bailly, as counsel for Mr. Spear, had authorized AWC to request that the
11 Formal Complaint be withdrawn and dismissed. An attached letter from Mr. Bailly stated that AWC,
12 Mr. Spear, and Mr. Bailly had agreed to a settlement of the matters in this docket and the Bailly
13 Docket and that Mr. Bailly was withdrawing the Formal Complaints in this docket and the Bailly
14 Docket and requesting that both dockets be closed.

15 Because the Complainant has requested withdrawal of the Formal Complaint herein and that
16 this docket be closed, it is reasonable and appropriate to grant the withdrawal and close the docket.

17 **IT IS THEREFORE ORDERED that the request to withdraw the Formal Complaint of**
18 **Jay Spear filed in this docket is hereby granted.**

19 **IT IS FURTHER ORDERED that Docket No. W-01445A-11-0179 is hereby**
20 **administratively closed.**

21 DATED this 29th day of June, 2011.

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25 SARAH N. HARPRING
26 ADMINISTRATIVE LAW JUDGE
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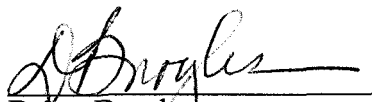
1 Copies of the foregoing mailed/delivered
this 29th day of June, 2011, to:

2 Ron Bailly
3 RON BAILLY, P.C.
4 715 North Gilbert Road
5 Mesa, AZ 85203
6 Attorney for Jay Spear

7 Robert W. Geake, Vice President and General Counsel
8 ARIZONA WATER COMPANY
9 P.O. Box 29006
10 Phoenix, AZ 85038-9006

11 Janice Alward, Chief Counsel
12 Legal Division
13 ARIZONA CORPORATION COMMISSION
14 1200 West Washington Street
15 Phoenix, AZ 85007

16 Steven M. Olea, Director
17 Utilities Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, AZ 85007

21 By: 
22 Debra Broyles
23 Secretary to Sarah N. Harpring
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