

ORIGINAL



0000127202

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2011 JUN 30 A 9:30

AZ CORP COMMISSION
DOCKET CONTROL

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 ANTHEM WATER DISTRICT AND ITS SUN CITY WATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission
DOCKETED

JUN 30 2011

DOCKETED BY [Signature]

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 ANTHEM/AGUA FRIA WASTEWATER DISTRICT, ITS SUN CITY WASTEWATER DISTRICT AND ITS SUN CITY WEST WASTEWATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. SW-01303A-09-0343

PROCEDURAL ORDER
GRANTING INTERVENTIONS

BY THE COMMISSION:

On July 2, 2009, Arizona-American Water Company ("Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Anthem Water district, Sun City Water district, Anthem/Agua Fria Wastewater district, Sun City Wastewater district, and Sun City West Wastewater district.

On January 6, 2011, the Commission issued Decision No. 72047 in these dockets.

On April 1, 2011, the Company filed its Compliance Application to Support Consideration of Stand-Alone Revenue Requirements and Rate Designs for the Anthem/Agua Fria Wastewater District

1 (“Compliance Application”), as required by Decision No. 72047.

2 On April 27, 2011, the Commission issued a Procedural Order Setting Hearing for
3 Consideration of Compliance Application. The Procedural Order set a hearing to commence on
4 October 17, 2011, and set associated procedural deadlines.

5 On April 28, 2011, Verrado Community Association, Inc. filed a Motion to Intervene in the
6 proceeding on the Compliance Application, which was granted by a Procedural Order issued on May
7 11, 2011.

8 On May 24, 2011, the Company filed an Affidavit of Mailing indicating compliance with the
9 public notice requirements of the April 27, 2011, Procedural Order

10 On June 21, 2011, Corte Bella Country Club Association, Inc. (“Corte Bella Country Club”)
11 filed a Motion to Intervene in the proceeding on the Compliance Application.

12 On June 23, 2011, Frederick G. Botha filed a Motion to Intervene in the proceeding on the
13 Compliance Application.

14 On June 24, 2011, the Russell Ranch Homeowners’ Association, Inc. (“Russell Ranch
15 HOA”) filed a Motion to Intervene. Russell Ranch HOA is an Arizona non-profit corporation.
16 Attached to the June 24, 2011, Motion was a copy of a June 20, 2011, Russell Ranch HOA Board of
17 Directors Resolution authorizing its President, Pauline A. Harris Henry, to represent it in this
18 proceeding.

19 No objections have been filed to the Motions to Intervene filed by Corte Bella Country Club,
20 Frederick Botha, or Russell Ranch HOA. Accordingly, Corte Bella Country Club, Mr. Botha, and
21 Russell Ranch HOA should be granted intervention.

22 IT IS THEREFORE ORDERED that Corte Bella Country Club Association, Inc., Frederick
23 G. Botha, and the Russell Ranch Homeowners’ Association, Inc. are hereby granted intervention in
24 this proceeding on the Compliance Application.

25 IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28),
26 Pauline A. Harris Henry is hereby authorized to represent the Russell Ranch Homeowners’
27 Association, Inc. before the Commission in this proceeding.

28 IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), the

1 Commission or its presiding officer may require counsel in lieu of lay representation if it is
2 determined that lay representation is interfering with the orderly progress of this proceeding,
3 imposing undue burdens on the other parties, or causing harm to the parties represented.

4 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
5 31, 38, and 42, and A.R.S. § 40-243 with respect to the practice of law.

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

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

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

18 DATED this 30th day of June, 2011.

19
20
21 
22 TEENA JIBILYAN
ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered
this 30th day of June, 2011 to:

24 Craig A. Marks
25 CRAIG A. MARKS, PLC
10645 N. Tatum Blvd., Ste. 200-676
26 Phoenix, AZ 85028
Attorney for Arizona-American Water Co.

Judith M. Dworkin
Roxanne S. Gallagher
SACKS TIERNEY PA
4250 North Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251-3693
Attorneys for Anthem Community Council

1 Lawrence V. Robertson, Jr.
P.O. Box 1448
Tubac, AZ 85646-1448
2 Attorney for Anthem Community Council
3 Daniel Pozefsky, Chief Counsel
RUCO
4 1110 West Washington Street, Suite 220
Phoenix, AZ 85007
5 Larry Woods, President
6 PROPERTY OWNERS AND
RESIDENTS ASSOCIATION
7 13815 East Camino Del Sol
Sun City West, AZ 85375
8 W.R. Hansen
9 12302 West Swallow Drive
Sun City West, AZ 85375
10 Greg Patterson
916 West Adams Street, Suite 3
11 Phoenix, AZ 85007
Attorney for Water Utility Ass'n of Arizona
12 Jeff Crockett
13 Robert Metli
SNELL & WILMER
14 One Arizona Center
400 East. Van Buren Street
15 Phoenix, AZ 85004-2202
Attorneys for the Resorts
16 Andrew M. Miller
Town Attorney
17 TOWN OF PARADISE VALLEY
6401 E. Lincoln Drive
18 Paradise Valley, AZ 85253
19 Bradley J. Herrema
20 Robert J. Saperstein
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
21 21 E. Carillo St.
Santa Barbara, CA 93101
22 Attorneys for Anthem Golf and Country Club
23 Marshall Magruder
P.O. Box 1267
24 Tubac, AZ 85646-1267
25 Norman D. James
FENNEMORE CRAIG, P.C.
26 3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012
27 Attorneys for DMB White Tank LLC
28

Larry D. Woods
15141 West Horseman Lane
Sun City West, AZ 85375

Joan S. Burke
LAW OFFICE OF JOAN S. BURKE
1650 North First Avenue
Phoenix, AZ 85003
Attorney for Corte Bella Golf Club

Philip H. Cook
10122 West Signal Butte Circle
Sun City, AZ 85373

Michele L. Van Quathem
RYLEY CARLOCK & APPLEWHITE
One N. Central Ave., Suite 1200
Phoenix, AZ 85004-4417
Attorneys for Verrado Community Ass'n, Inc.

Chad R. Kaffer
Troy B. Stratman
MACK DRUCKER & WATSON, PLC
3200 N. Central Ave., Ste. 1200
Phoenix, AZ 85012
Attorneys for Corte Bella Country Club Ass'n, Inc.

Frederick G. Botha
23024 N. Giovota Drive
Sun City West, AZ 85375

Pauline A. Harris Henry, President, Board of Directors
RUSSELL RANCH HOMEOWNERS' ASS'N, INC.
21448 N. 75th Ave., Ste. 6
Glendale, AZ 858308

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

Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

By: 
Debbi Person
Assistant to Teena Jibilian