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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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JUL 13 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 had been requested by the deadline
21 provided in the Procedural Order.

22 On June 7, 2011, a Procedural Order was issued establishing a revised schedule that included
23 the dates proposed by Doney Park for the filing of direct, rebuttal, surrebuttal, and rejoinder
24 testimony; adopted a date of September 30, 2011, for the filing of written summaries of testimony;
25 adopted a date of October 5, 2011, for the filing of substantive corrections, revisions, or supplements
26 to prefiled testimony; scheduled a prehearing conference on October 5, 2011, and required that
27 objections be made before or at the prehearing conference; retained the original August 22, 2011,
28 hearing date for the taking of public comment and announcement of new hearing dates; scheduled the

1 evidentiary portion of the hearing to commence on October 13, 2011, and to continue on October 14,
2 2011; and extended the Commission's time clock to issue a decision in this matter by 49 days.

3 On July 7, 2011, Staff filed Staff's Request for Additional Time to File Testimony and for
4 Waiver of Time Clock, in which Staff requested that the filing deadline for Staff's direct testimony be
5 extended by three weeks and that the remaining procedural schedule be adjusted as set forth in Staff's
6 Request. Doney Park's position was not set forth in Staff's Request.

7 On July 11, 2011, Staff filed Staff's Revised Proposed Procedural Schedule, requesting that
8 the procedural schedule be revised as follows and, further, asserting that Doney Park does not oppose
9 the revision of the procedural schedule as follows:

10 Event	Date Set in Procedural Order of June 7, 2011	Proposed Date
11 Staff and Intervenor Direct Due	July 20, 2011	August 5, 2011
12 Doney Park Rebuttal Due	August 17, 2011	August 31, 2011
13 Staff and Intervenor Surrebuttal Due	September 7, 2011	September 16, 2011
14 Doney Park Rejoinder Due	September 23, 2011	September 30, 2011
15 Written Summaries of Testimony Due	September 30, 2011	October 4, 2011
16 Substantive Corrections, Revisions, or Supplements to Testimony	October 5, 2011, by Noon	October 5, 2011
17 Objections to Testimony	Before October 5, 2011, or at Prehearing Conference	October 5, 2011
18 Prehearing Conference	October 5, 2011, at 1:00 p.m.	October 5, 2011
Hearing	October 13 and 14, 2011, at 9:00 a.m.	Week of October 13, 2011

19 Because the parties agree to the proposed changes to the procedural schedule for the filing of
20 testimony, and the proposed dates for the prehearing conference and hearing in this matter do not
21 reflect a change, it is reasonable and appropriate to grant the requested changes to the procedural
22 schedule for the filing of testimony and to retain the scheduled dates and times for the prehearing
23 conference and hearing.

24 **IT IS THEREFORE ORDERED that the prehearing conference, hearing for public**
25 **comment, and evidentiary hearing for this matter shall occur as set forth in the Procedural**
26 **Order of June 7, 2011.**

1 IT IS FURTHER ORDERED that the **testimony and associated exhibits** to be presented at
2 hearing by **Staff** shall be reduced to writing and filed on or before **August 5, 2011**.

3 IT IS FURTHER ORDERED that the **rebuttal testimony and associated exhibits** to be
4 presented at hearing by **Doney Park** shall be reduced to writing and filed on or before **August 31,**
5 **2011**.

6 IT IS FURTHER ORDERED that the **surrebuttal testimony and associated exhibits** to be
7 presented at hearing by **Staff** shall be reduced to writing and filed on or before **September 16, 2011**.

8 IT IS FURTHER ORDERED that the **rejoinder testimony and associated exhibits** to be
9 presented at hearing by **Doney Park** shall be reduced to writing and filed on or before **September**
10 **30, 2011**.

11 IT IS FURTHER ORDERED that the parties shall prepare a brief written **summary** of the
12 prefiled testimony of their witnesses and shall file each summary by **October 4, 2011**.

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

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

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

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

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

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

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

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

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

7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
8 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

20 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
21 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
22 hearing.

23 DATED this 13th day of July, 2011.

24
25 
26 SARAH N. HARPRING
27 ADMINISTRATIVE LAW JUDGE
28

1 Copies of the foregoing mailed/delivered
2 this 13th day of July, 2011, to:

3 William P. Sullivan
4 Larry K. Udall
5 CURTIS, GOODWIN, SULLIVAN,
6 UDALL & SCHWAB, P.L.C.
7 501 East Thomas Road
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9 Attorneys for Doney Park Water

10 Janice Alward, Chief Counsel
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21 2200 North Central Avenue, Suite 502
22 Phoenix, Arizona 85004-1481

23 By: 
24 Debra Broyles
25 Secretary to Sarah N. Harpring
26
27
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