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BEFORE THE ARIZONA CORPORATION COMMISSION

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2011 JUL 15 A 10:47

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

JUL 15 2011

DOCKETED BY

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
MODIFYING PROCEDURAL
SCHEDULE

BY THE COMMISSION:

On July 2, 2009, Arizona-American Water Company ("Arizona-American" or "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

1 Stand-Alone Revenue Requirements and Rate Designs for the Anthem/Agua Fria Wastewater District
2 (“Compliance Application”), as required by Decision No. 72047. A hearing on the Compliance
3 Application is currently set to commence on October 17, 2011.

4 In addition to the parties to Decision No. 72047, intervention in the proceeding on the
5 Compliance Application has been granted to Verrado Community Association, Inc. (“Verrado”),
6 Corte Bella Country Club Association, Inc. (“Corte Bella Country Club”), Frederick G. Botha, the
7 Russell Ranch Homeowners’ Association, Inc., and the City of Phoenix.

8 On July 11, 2011, Marshall Magruder filed a Request to Withdraw, indicating his wish to
9 withdraw from the remaining matters in these dockets.

10 On July 12, 2011, Corte Bella Country Club docketed a Stipulated Motion to Continue
11 Deadline for Filing Direct Testimony (“Motion”). The Motion states that Arizona-American,
12 Anthem Community Council, Verrado, the Residential Utility Consumer Office and the
13 Commission’s Utilities Division did not object to a two week extension of the date for filing direct
14 testimony on the Compliance Application. The Motion requests the issuance of a Procedural Order
15 extending the date for Staff and Intervenors to file their direct testimony on the Compliance
16 Application from July 26, 2011 to August 9, 2011.

17 On July 13, 2011, Arizona-American filed a Response to the Motion. Therein, Arizona-
18 American states that while it does not oppose Corte Bella Country Club’s request for a two week
19 extension to file direct testimony, it cannot agree to the request unless all other procedural dates,
20 including the hearing date, are extended for at least the same amount of time. Arizona-American
21 states that an equal extension of time for the remaining deadlines is necessary in order to allow it
22 sufficient time to review the direct testimony and to prepare and file its responsive testimony.

23 Mr. Magruder’s request is reasonable and should be granted.

24 Corte Bella Country Club’s request is reasonable and should be granted.

25 Arizona-American’s request is reasonable and should be granted.

26 IT IS THEREFORE ORDERED that Marshall Magruder’s Request to Withdraw is hereby
27 granted. Mr. Magruder shall be removed from the service list in these dockets.

28 IT IS FURTHER ORDERED that the **hearing** in the above-captioned dockets **on the**

1 **Compliance Application to Support Consideration of Stand-Alone Revenue Requirements and**
2 **Rate Designs for the Anthem/Agua Fria Wastewater District**, currently scheduled to commence
3 on October 17, 2011, **is hereby continued to commence on November 14, 2011 at 10:00 a.m.**, or as
4 soon thereafter as practicable, at the Commission's offices, 1200 West Washington Street, **Hearing**
5 **Room No. 1**, Phoenix, Arizona 85007.

6 IT IS FURTHER ORDERED that **public comment** will be taken as scheduled **on the**
7 **Compliance Application to Support Consideration of Stand-Alone Revenue Requirements and**
8 **Rate Designs for the Anthem/Agua Fria Wastewater District** on the publicly noticed date of
9 **October 17, 2011, commencing at 10:00 a.m.**, or as soon thereafter as practicable, at the
10 Commission's offices, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix, Arizona
11 85007.

12 IT IS FURTHER ORDERED that that a pre-hearing conference shall be held on **November 7,**
13 **2011, commencing at 2:00 p.m.**, at the Commission's Phoenix offices, for the purpose of scheduling
14 witnesses and the conduct of the hearing.

15 IT IS FURTHER ORDERED that the **direct testimony** and associated exhibits to be
16 presented at hearing **on behalf of Staff and intervenors** shall be reduced to writing and filed on or
17 before **August 16, 2011**.

18 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits to be**
19 **presented at hearing by the Company** shall be reduced to writing and filed on or before **September**
20 **13, 2011**.

21 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits to be**
22 **presented by Staff and intervenors** shall be reduced to writing and filed on or before **October 11,**
23 **2011**.

24 IT IS FURTHER ORDERED that any **rejoinder testimony and associated exhibits to be**
25 **presented at hearing by the Company** shall be reduced to writing and filed on or before **November**
26 **1, 2011**.

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

1 IT IS FURTHER ORDERED that any **objections to testimony or exhibits that have been**
2 **prefiled as of November 1, 2011, shall be made before or at the November 7, 2011 prehearing**
3 **conference.**

4 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
5 lists the issues discussed.

6 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
7 prefiled testimony shall be reduced to writing and filed no later than five calendar days before the
8 witness is scheduled to testify.

9 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
10 prefiled testimony of each of their witnesses and shall file each summary at least two working days
11 before the witness is scheduled to testify.

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

15 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
16 regulations of the Commission, except that until **August 31, 2011**, any objection to discovery
17 requests shall be made within 7 calendar days of receipt¹ and responses to discovery requests shall be
18 made within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made
19 within 5 calendar days and responses shall be made within 7 calendar days. The response time may
20 be extended by mutual agreement of the parties involved if the request requires an extensive
21 compilation effort.

22 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a
23 receiving party requests service to be made electronically, and the sending party has the technical
24 capability to provide service electronically, service to that party shall be made electronically.

25 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
26 discovery, any party seeking resolution of a discovery dispute may telephonically contact the

27 _____
28 ¹ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MST will be considered as received the next business day.

1 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
2 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
3 that the party making such a request shall forthwith contact all other parties to advise them of the
4 hearing date and shall at the hearing provide a statement confirming that the other parties were
5 contacted.²

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

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

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

13 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
14 31, 38, and 42, and A.R.S. § 40-243 with respect to the practice of law.

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

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

24 ...

25 ...

26 ...

27 _____
28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

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

4 DATED this 15th day of July, 2011.

5
6 
7 TEENA JIBILIAN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
this 15th day of July, 2011 to:

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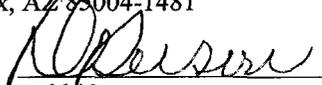
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