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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2011 JUL 15 A 10:46

DOCKETED

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

AZ CORP COMMISSION  
DOCKET CONTROL

JUL 15 2011

DOCKETED BY

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  
MODIFYING FILING DEADLINES

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”).

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 the Commission’s Utilities Division (“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.

1 Intervention has been granted to RUCO, Corte Bella Country Club Association, Inc., EPCOR  
2 Water (USA) Inc., the Town of Paradise Valley, and Maher M. Hazine.

3 On July 14, 2011, Staff filed a Motion for Extension of Filing Dates ("Motion"). The Motion  
4 requests an extension of the deadline for Staff and Intervenors to file direct testimony on the  
5 Application from July 15, 2011 to July 29, 2011. Staff states that it contacted all parties to this  
6 proceeding and that no party objected to Staff's request

7 Staff's request is reasonable and should be granted. An extension of the filing date for  
8 rebuttal testimony to August 5, 2011 is also appropriate.

9 IT IS THEREFORE ORDERED that **direct testimony** and associated exhibits to be presented  
10 at hearing **on behalf of Staff and intervenors** shall be reduced to writing and filed **on or before**  
11 **July 22, 2011**.

12 IT IS FURTHER ORDERED that **rebuttal testimony** and associated exhibits to be presented  
13 at hearing **on behalf of Applicant, and on behalf of any intervenors wishing to rebut direct**  
14 **testimony filed on July 22, 2011**, shall be reduced to writing and filed **on or before August 5, 2011**.

15 IT IS FURTHER ORDERED that any surrebuttal and rejoinder testimony shall be presented  
16 orally at the hearing.

17 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
18 the Application and Notice, or to any prefiled testimony, shall be reduced to writing and filed no later  
19 than five days before the witness is scheduled to testify.

20 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have  
21 been pre-filed as of **August 5, 2011**, shall be made on or before **August 12, 2011**.

22 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
23 regulations of the Commission, except that until **August 5, 2011**, any objection to discovery requests  
24 shall be made within 7 calendar days of receipt<sup>1</sup> and responses to discovery requests shall be made  
25 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within  
26 5 calendar days and responses shall be made within 7 calendar days. The response time may be

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28 <sup>1</sup> 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 extended by mutual agreement of the parties involved if the request requires an extensive compilation  
2 effort.

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

6 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
7 discovery, any party seeking resolution of a discovery dispute may telephonically contact the  
8 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery  
9 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and  
10 that the party making such a request shall forthwith contact all other parties to advise them of the  
11 hearing date and shall at the hearing provide a statement confirming that the other parties were  
12 contacted.<sup>2</sup>

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

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

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

20 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
21 31, 38, and 42, and A.R.S. § 40-243 with respect to the practice of law.

22 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
23 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
24 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
25 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
26 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
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28 <sup>2</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 Law Judge or the Commission.

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

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

8 DATED this 15<sup>th</sup> day of July, 2011.

9  
10   
TEENA JIBILIAN  
11 ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered  
this 15<sup>th</sup> day of July, 2011 to:

13 Thomas H. Campbell  
14 Michael T. Hallam  
LEWIS AND ROCA, LLP  
40 N. Central Avenue  
Phoenix, AZ 85004  
15 Attorneys for Arizona-American Water Co.

Andrew M. Miller, Town Attorney  
TOWN OF PARADISE VALLEY  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

16 Daniel Pozefsky, Chief Counsel  
RUCO  
17 1110 W. Washington, Suite 220  
Phoenix, AZ 85007

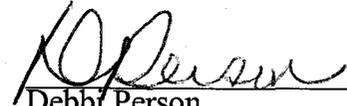
Maher M. Hazine  
39506 N. Daisy Mountain Dr. Suite 122-488  
Anthem, AZ 85086

18 Robert Rials, President  
19 CORTE BELLA COUNTRY CLUB  
ASSOCIATION, INC.  
20 22155 North Mission Drive  
Sun City West, AZ 85375

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007-2927

21 Jay L. Shapiro  
22 Patrick J. Black  
FENNEMORE CRAIG, PC  
3003 N. Central Ave., Suite 2600  
Phoenix, AZ 85012  
23 Attorneys for EPCOR Water (USA) Inc.

Steven Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007-2927

24 By:   
Debbi Person  
Assistant to Teena Jibilian