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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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JUL 21 2011

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY TO EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN CASA GRANDE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-03-0559

PROCEDURAL ORDER

BY THE COMMISSION:

On April 6, 2004, Decision No. 66893 was issued in this docket. Decision No. 66893 conditionally granted an application filed on August 12, 2003 by Arizona Water Company ("Arizona Water" or "AWC") for an extension of its existing Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.

Decision No. 66893 placed two conditions on the approval of Arizona Water's August 12, 2003 application. Arizona Water was ordered to file: (1) a copy of the Developers' Certificate of Assured Water Supply ("CAWS") for both the Post Ranch development and the Florence Country Estates development with the Arizona Corporation Commission ("Commission") within 365 days of the Decision; and (2) a main extension agreement associated with the extension area within 365 days of the Decision.

On July 30, 2007, Decision No. 69722 was issued finding that Arizona Water was not able to comply with the time periods established in Decision No. 66893 because the developer of a portion of the extension area withdrew its Arizona Department of Water Resources ("ADWR") CAWS application. However, the Commission concluded that the issuance of the ADWR Analysis of Assured Water Supply satisfied the objective of the condition in Decision No. 66893 for submission of a CAWS for the Florence Country Estates development and that adequate physical water supplies exist for the development. Decision No. 69722 therefore found that, for purposes of compliance, the conditions placed on Arizona Water's CC&N extension in Decision No. 66893 had been fulfilled.

1 Decision No. 69722 also remanded the case to the Hearing Division for further proceedings regarding
2 whether AWC should continue to hold a CC&N for the property owned by Cornman Tweedy.

3 Following the submission of additional testimony and briefing by the parties, a Recommended
4 Order on Remand was issued by the Hearing Division on November 29, 2010. The Recommended
5 Order was discussed during the Commission's December 14, 2010 Open Meeting, and again during
6 the February 1, 2011 Open Meeting. At the February 1, 2011 Open Meeting, the Commission voted
7 to send the matter back to the Hearing Division for further proceedings to determine "whether a
8 public service corporation, like Arizona Water, in this water challenged area and under the
9 circumstances presented in this case, is providing reasonable service if it is not able or not willing to
10 provide integrated water and wastewater services."

11 By Procedural Order issued February 10, 2011, a procedural conference was scheduled for
12 February 22, 2011, to discuss scheduling of the further proceedings directed by the Commission.

13 At the February 22, 2011, procedural conference, the parties agreed to engage in settlement
14 discussions to try to resolve the contested issues. The parties were directed to file a status report by
15 March 25, 2011 regarding the settlement discussions.

16 On March 25, 2011, counsel for AWC contacted the Hearing Division and indicated that
17 settlement discussions were continuing "fruitfully," but that additional time was needed for further
18 discussions.

19 On May 5, 2011, a Procedural Order was issued directing the parties to file by May 31, 2011,
20 either jointly or severally, a status report regarding the settlement discussions.

21 On May 31, 2011, AWC and Cornman Tweedy filed a Joint Status Report stating that
22 although they had not yet reached a settlement agreement, "they believe in good faith that a
23 settlement may still be achievable and is worth further pursuit." They requested an additional 30
24 days to make a final effort to reach settlement.

25 On June 15 2011, a Procedural Order was issued directing the parties to file by June 30, 2011,
26 notification of settlement and, if no settlement was reached, to jointly file a proposed procedural
27 schedule for discovery, filing of testimony, and hearing date by no later than July 8, 2011.

28 On July 8, 2011, the parties jointly filed a procedural schedule with proposed dates as follows:

1	Completion of Discovery	September 23, 2011
	Direct Testimony of Cornman Tweedy and AWC	October 21, 2011
2	Staff Direct Testimony or Staff Report (if ordered)	November 10, 2011
	Rebuttal Testimony of Cornman Tweedy and AWC	December 2, 2011
3	Staff Rejoinder Testimony (if ordered)	December 16, 2011
	Hearing Date	December 2011 or January 2012

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5 IT IS THEREFORE ORDERED that the following modified procedural schedule shall be
6 established in this matter:

7	Completion of Discovery	September 23, 2011
	Direct Testimony of Cornman Tweedy and AWC	October 19, 2011
8	Staff Direct Testimony or Staff Report	November 7, 2011
	Rebuttal Testimony of Cornman Tweedy and AWC	November 23, 2011
9	Staff Rejoinder Testimony	December 7, 2011
	Hearing Dates	December 12, 15 and 16, 2011

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

13 DATED this 21st day of July 2011

14
15 

16 DWIGHT D. NODES
17 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 21st day of July, 2011, to:

20 Robert W. Geake
21 ARIZONA WATER COMPANY
22 P.O. Box 29006
23 Phoenix, AZ 85038-9006

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

24 Steven A. Hirsch
25 BRYAN CAVE, LLP
26 Two North Central Avenue, Suite 2200
27 Phoenix, AZ 85004-4406

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

28 Jeffrey W. Crockett
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
40 North Central Avenue, 14th Floor
Phoenix, AZ 85004

ARIZONA REPORTING SERVICE, INC.
2200 N. Central Ave., Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Dwight D. Nodes