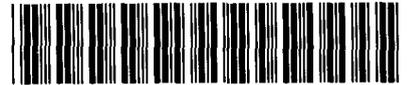


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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2011 AUG -3 A 8: 22

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

AUG 3 2011

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY
LLC FOR AN EMERGENCY RATE INCREASE.

DOCKET NO. W-04254A-11-0296

PROCEDURAL ORDER

BY THE COMMISSION:

On July 25, 2011, Montezuma Rimrock Water Company LLC ("Montezuma Rimrock") filed with the Arizona Corporation Commission ("Commission") an application for an emergency rate increase, requesting that Montezuma Rimrock be authorized to charge each of its customers a monthly surcharge of \$15.64, which is designed to increase Montezuma Rimrock's annual revenues by \$37,536, thereby making Montezuma Rimrock eligible to obtain a loan of \$165,000 from a private lending institution to fund construction and installation of an arsenic treatment system. The water from Montezuma Rimrock's system currently exceeds the maximum contaminant level ("MCL") for arsenic established by the United States Environmental Protection Agency ("EPA") and enforced by the Arizona Department of Environmental Quality ("ADEQ"). ADEQ, through Amendment #1 to Consent Order in Docket No. DW-36-10, has provided Montezuma Rimrock a deadline of April 7, 2012, to complete construction of the approved arsenic treatment system and to submit an administratively complete application for an Approval of Construction for the arsenic treatment system.

On August 1, 2011, a Procedural Order was issued scheduling a procedural conference to be held on August 10, 2011, at 1:00 p.m., at the Commission's offices in Phoenix. The Procedural Order required Staff to attend in person, but allowed Montezuma Rimrock to attend telephonically if it first provides the Hearing Division a telephone number through specified means.

On August 2, 2011, John E. Dougherty filed a Motion to Intervene in this matter, explaining

1 that he is an intervenor in another pending matter involving Montezuma Rimrock¹ (“40-252 matter”)
2 and that this matter is directly related to and will impact the 40-252 matter. Mr. Dougherty further
3 requests that the August 10, 2011, procedural conference be postponed until after his Motion to
4 Intervene has been processed and approved.

5 Although Mr. Dougherty has requested postponement of the procedural conference scheduled
6 for August 10, 2011, to allow the Commission time to process his Motion to Intervene, it is more
7 reasonable and appropriate to discuss the Motion to Intervene at the procedural conference and, if
8 appropriate, to act on the Motion to Intervene at that time. Thus, Montezuma Rimrock and the
9 Commission’s Utilities Division (“Staff”) will be required to respond to the Motion to Intervene at the
10 procedural conference, which shall proceed as scheduled.

11 **IT IS THEREFORE ORDERED that Staff and Montezuma Rimrock shall respond to Mr.**
12 **Dougherty’s Motion to Intervene at the procedural conference to be held on August 10, 2011, at**
13 **1:00 p.m. in Room 100** at the Commission’s offices at 1200 West Washington Street, Phoenix,
14 Arizona 85007.

15 **IT IS FURTHER ORDERED that if Mr. Dougherty desires to attend the procedural**
16 **conference telephonically**, Mr. Dougherty shall contact the Hearing Division, by phone at 602-542-
17 4250 and by e-mail at dbroyles@azcc.gov and dperson@azcc.gov, as soon as possible but **no later**
18 **than 4:00 p.m. on August 9, 2011**, to provide the telephone number at which Mr. Dougherty shall be
19 available at the scheduled time to participate in the procedural conference.

20 **IT IS FURTHER ORDERED** that the requirements of the Procedural Order of August 1, 2011,
21 continue in effect.

22 **IT IS FURTHER ORDERED** that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
23 Communications) applies to this proceeding.

24 **IT IS FURTHER ORDERED** that all parties must comply with Arizona Supreme Court Rules
25 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

26 ...

27 _____
28 ¹ The other matter is a pending A.R.S. § 40-252 proceeding in Docket Nos. W-04254A-08-0361 and W-04254A-08-0362.

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

4 DATED this 3rd day of August, 2011.

5
6
7 

8 SARAH N. HARPRING
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered and e-mailed
11 this 3rd day of August, 2011, to:

12 Patricia D. Olsen, Manager
13 MONTEZUMA RIMROCK WATER
14 COMPANY LLC
15 P.O. Box 10
16 Rimrock, AZ 86335
17 patsy@montezumawater.com

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By: 
Debra Broyles
Secretary to Sarah N. Harpring