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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE - Chairman
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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

AUG 3 2011

DOCKETED BY [Signature]

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

BY THE COMMISSION:

On March 2, 2011, Arizona-American Water Company ("Arizona-American" or "Company") 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 May 17, 2011, the Company 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 August 3, 2011, a telephonic procedural conference was held at the request of the Company, with all parties participating except for the Town of Paradise Valley.¹ During this teleconference, counsel for Arizona-American stated that the Company had become aware that several thousand customers had not been mailed notice of the application and hearing as directed by the Procedural Order.² The Company requested that an opportunity for intervention in the case be reopened until August 22, 2011, and that it be authorized to provide notice to all Agua Fria Water District customers of the application, hearing and the right to intervene. All parties agreed that the opportunity for intervention should be reopened, and that the Company should be required to provide

¹ The Town Attorney for Paradise Valley indicated that he was aware of the conference call but would not attend. Counsel for Arizona-American stated that he had discussed the subject matter of the conference call with the Town Attorney.

² The Company estimated that twenty-eight thousand Agua Fria Water District customers did not receive the notice.

1 notice to the customers. The issue concerning the schedule of hearing and how to accommodate any
2 new intervenors' participation in the hearing, as well as any other unresolved issues, will be
3 addressed during a procedural conference to be scheduled for August 15, 2011.

4 **IT IS THEREFORE ORDERED that the timeframe to request intervention is reopened**
5 **until August 22, 2011.**

6 **IT IS FURTHER ORDERED that a procedural conference shall commence on August 15,**
7 **2011, at 2:30 p.m., or upon completion of the pre-hearing conference in Docket No. W-01303A-**
8 **10-0448, whichever is later, at the Commission's offices, 1200 W. Washington Street, Hearing**
9 **Room No. 1, Phoenix, Arizona.**

10 **IT IS FURTHER ORDERED that Arizona-American shall mail notice of the application**
11 **and the hearing, including the intervention timeframe, to all Agua Fria Water District**
12 **customers, no later than August 8, 2011.**

13 **IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules**
14 **31 and 38, 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 **IT IS FURTHER ORDERED that the time periods specified herein shall not be extended**
25 **pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.**

26 ...

27 ...

28

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 3rd day of August, 2011.

5
6 
7 TEENA JIBILIAN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 3rd day of August, 2011 to:

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