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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2011 AUG 19 P 3: 23

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCKET CONTROL

AUG 19 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 AGUA FRIA WATER DISTRICT, HAVASU WATER DISTRICT, AND MOHAVE WATER DISTRICT.

DOCKET NO. W-01303A-10-0448

PROCEDURAL ORDER
DIRECTING FILING OF
AUTHORIZATION FOR LAY
REPRESENTATION
OF NON-PROFIT
ORGANIZATION

BY THE COMMISSION:

On November 13, 2010, Arizona-American Water Company ("Arizona-American" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Agua Fria Water district, Havasu Water district and Mohave Water district.

Intervention in this proceeding has been granted to the Residential Utility Consumer Office ("RUCO"), the Water Utility Association of Arizona (WUAA"), Sun City Grand Community Association, Inc. ("Sun City Grand"), Mashie, LLC dba Corte Bella Golf Club ("Corte Bella Golf Club"), Kenneth Hewitt, Verrado Community Association, Inc. ("Verrado"), and DMB White Tank, LLC ("DMB White Tank"). The Commission's Utilities Division ("Staff") is also a party to this proceeding.

On August 17, 2011, a Procedural Order was issued continuing the commencement of the evidentiary hearing on the application until a date to be determined following a procedural conference scheduled to be held on September 19, 2011. The purpose of the procedural conference is to discuss the timeframe for new parties to conduct discovery and prefile their testimony; the timeframe for the Company and other parties to conduct discovery and prepare and file responsive

1 testimony; and an appropriate date for commencement of the evidentiary hearing based on those
2 timeframes.

3 On August 19, 2011, a Motion to Intervene was filed in this docket, signed by Owen
4 Dejanovich, President, Board of Directors, Clearwater Farms Three Homeowners Association, Inc.

5 Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be
6 represented before the Commission by a corporate officer, employee, or a member who is not an
7 active member of the state bar, if (1) the non-profit organization has specifically authorized the
8 officer, employee, or member to represent it in the particular matter; (2) such representation is not the
9 person's primary duty to the non-profit organization, but is secondary or incidental to such person's
10 duties relating to the management or operation of the non-profit organization; and (3) the person is
11 not receiving separate or additional compensation (other than reimbursement for costs) for such
12 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or
13 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay
14 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on
15 the other parties, or causing harm to the parties represented.

16 If Clearwater Farms Three Homeowners Association, Inc. wishes to be represented in this
17 matter by a qualified lay representative in lieu of representation by counsel in this matter, it must
18 docket specific authorization, such as a board resolution, for a specific lay person meeting the
19 requirements of Arizona Supreme Court Rule 31(d)(28) to represent it in this matter. Without such
20 authorization, the Commission cannot, pursuant to Arizona Supreme Court Rule 31(d)(28), allow a
21 lay person to appear and represent an association in this proceeding. Alternatively, the association
22 may obtain counsel and have counsel file a Motion to Intervene.

23 IT IS THEREFORE ORDERED that the intervention request of Clearwater Farms Three
24 Homeowners Association will be considered once one of the following is filed in this docket: (1)
25 specific authorization, such as a board resolution, for Mr. Dejanovich or another specifically named
26 lay person meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to represent The
27 Russell Ranch Homeowners Association in this matter; or (2) an intervention request filed by counsel
28 representing Clearwater Farms Three Homeowners Association in this matter. **In order to be**

1 considered, one of the above-referenced filings should be made as soon as possible, but in no
2 event after the September 19, 2011 procedural conference.

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

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

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

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

18 DATED this 19th day of August, 2011.

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21 
22 TEENA JIBILIAN
23 ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
this 19th day of August, 2011 to:

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24 By: 
25 Debra Broyles
26 Secretary to Teena Jibilian
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