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OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2012 APR 18 A 10:49

AZ CORP COMMISSION
DOCKET CONTROL

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 ANTHEM WATER DISTRICT AND ITS SUN CITY WATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission

DOCKETED

APR 18 2012

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 ANTHEM/AGUA FRIA WASTEWATER DISTRICT, ITS SUN CITY WASTEWATER DISTRICT AND ITS SUN CITY WEST WASTEWATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. SW-01303A-09-0343

PROCEDURAL ORDER
EXTENDING DEADLINE FOR ALL
PARTIES FILING EXCEPTIONS TO
RECOMMENDED OPINION AND
ORDER

BY THE COMMISSION:

On July 2, 2009, Arizona-American Water Company ("Company") filed with the Arizona Corporation Commission ("Commission") an application for rate increases for its Anthem Water district, Sun City Water district, Anthem/Agua Fria Wastewater district, Sun City Wastewater district, and Sun City West Wastewater district.

On January 6, 2011, the Commission issued Decision No. 72047 in the consolidated dockets.

On April 1, 2011, the Company filed its Compliance Application to Support Consideration of

1 Stand-Alone Revenue Requirements and Rate Designs for the Anthem/Agua Fria Wastewater District
2 (“Compliance Application”), as required by Decision No. 72047.

3 On April 27, 2011, the Commission issued a Procedural Order Setting Hearing for
4 Consideration of Compliance Application. The Procedural Order set a hearing to commence on
5 October 17, 2011, and set associated procedural deadlines.

6 Intervention in this matter was granted to the Residential Utility Consumer Office (“RUCO”);
7 Anthem Community Council (“Anthem”); Sun City West Property Owners and Residents
8 Association (“PORA”); W.R. Hansen; the Water Utility Association of Arizona (“WUAA”); the
9 Camelback Inn, Sanctuary on Camelback Mountain, the Intercontinental Montelucia Resort and Spa,
10 and the Scottsdale Cottonwoods Resort and Suites (collectively the “Resorts”); the Town of Paradise
11 Valley; the Anthem Golf and Country Club; Marshall Magruder; DMB White Tank, LLC (“DMB”);
12 Mashie, LLC dba Corte Bella Golf Club; Larry D. Woods; and Philip H. Cook.

13 Following public notice on the Compliance Application, intervention was also granted to
14 Verrado Community Association, Inc. (“Verrado”), Corte Bella Country Club Association, Inc.
15 (“Corte Bella”), the Russell Ranch Homeowners’ Association, Inc. (“Russell Ranch”), Frederick G.
16 Botha, and the City of Phoenix (“Phoenix”).

17 On June 23, 2011, Phoenix docketed a Motion to Intervene and Notice of Errors in Exhibit
18 ‘A’ to Decision No. 72047, indicating that Phoenix wished to intervene in the proceeding on the
19 Compliance Application. No objections were filed to Phoenix’s Motion to Intervene.

20 On July 5, 2011, a Procedural Order was issued granting Phoenix intervention in this
21 proceeding on the Compliance Application in order to represent its interests on the issue of
22 Commission consideration of stand-alone revenue requirements and rate designs for the
23 Anthem/Agua Fria Wastewater District.

24 On April 10, 2012, the Recommended Opinion and Order in the above-referenced
25 proceeding was issued.

26 On April 16, 2012, Phoenix filed a Motion for Extension of Time to File Exception to the
27 Recommended Decision of the Administrative Hearing Officer. The City stated that it did not
28 receive the Recommended Order, that it had confirmed it was omitted from the service list of the

1 Recommended Order, that it only discovered that the Recommended Order had been issued through
2 an unrelated discussion with a Staff member on April 13, 2012, and that the City's counsel first saw
3 the Recommended Order online on April 16, 2012. Phoenix requested that it be given until April 23,
4 2012, to file its Exceptions because its interests have been prejudiced by having a shorter time than
5 other parties to respond to the Recommended Order.

6 On April 16, 2012, a Procedural Order was issued granting Phoenix an extension of time to
7 file Exceptions, to noon on April 23, 2012.

8 On April 17, 2012, following the issuance of the April 16, 2012 Procedural Order, it was
9 discovered that in addition to Phoenix, three additional parties, Corte Bella, Russell Ranch, and Mr.
10 Botha, had also been inadvertently omitted from the service list attached to the Recommended
11 Opinion and Order issued April 10, 2012. On April 17, 2012, those parties were provided a copy of
12 the Recommended Opinion and Order by email and U.S. Mail, and were informed that they would
13 have an extension of time, to noon on April 23, 2012, to file Exceptions to the Recommended
14 Opinion and Order.

15 On April 17, 2012, a request by Anthem to remove the Recommended Opinion and Order
16 was pulled from the Agenda of the April 24 and 25, 2012 Commission Open Meeting was docketed.

17 On April 18, 2012, the Recommended Opinion and Order was pulled from the Agenda of the
18 April 24 and 25, 2012 Commission Open Meeting.

19 All parties to these dockets should be allowed additional time to file their Exceptions to the
20 Recommended Opinion and Order issued April 10, 2012.

21 IT IS THEREFORE ORDERED that the **deadline for all parties filing Exceptions to the**
22 **Recommended Opinion and Order issued on April 10, 2012 in these dockets is hereby extended**
23 **to April 27, 2012.**

24 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
25 31, 38, and 42, and A.R.S. § 40-243 with respect to the practice of law.

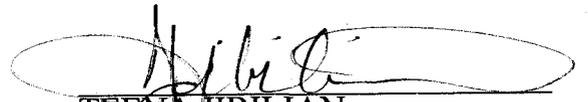
26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
28 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings

1 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
2 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
3 Law Judge or the Commission.

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

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

10 DATED this 18th day of April, 2012.

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14 TEENA JIBILIAN
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
16 this 18th day of April, 2012 to:

17 Craig A. Marks
10645 North Tatum Blvd., Ste. 200-676
18 Phoenix, AZ 85028
Attorney for EPCOR Water (USA)

19 Judith M. Dworkin
20 Roxanne S. Gallagher
SACKS TIERNEY PA
4250 North Drinkwater Blvd., 4th Floor
21 Scottsdale, AZ 85251-3693
22 Attorney for Anthem Community Council

23 Lawrence V. Robertson, Jr.
P.O. Box 1448
24 Tubac, AZ 85646-1448
Attorney for Anthem Community Council

25 Daniel Pozefsky, Chief Counsel
RESIDENTIAL UTILITY CONSUMER OFFICE
26 1110 West Washington Street, Suite 220
27 Phoenix, AZ 85007
28

- 1 Larry Woods, President
PROPERTY OWNERS AND RESIDENTS ASSN.
- 2 13815 East Camino Del Sol
Sun City West, AZ 85375
- 3
- 4 W.R. Hansen
12302 West Swallow Drive
Sun City West, AZ 85375
- 5
- 6 Greg Patterson
916 West Adams Street, Suite 3
Phoenix, AZ 85007
- 7 Attorney for Water Utility
Association of Arizona
- 8
- 9 Robert Metli
SNELL & WILMER
One Arizona Center
- 10 400 East Van Buren Street
Phoenix, AZ 85004-2202
- 11 Attorneys for the Resorts
- 12 Andrew M. Miller
Town Attorney
TOWN OF PARADISE VALLEY
- 13 6401 East Lincoln Drive
Paradise Valley, AZ 85253
- 14
- 15 Bradley J. Herrema
Robert J. Saperstein
BROWNSTEIN HYATT FARBER SCHRECK, LLP
- 16 21 East Carillo Street
Santa Barbara, CA 93101
- 17 Attorneys for Anthem Golf and Country Club
- 18
- 19 Michele L. Van Quathem
RYLEY CARLOCK & APPLEWHITE, PA
One North Central Avenue, Suite 1200
- 20 Phoenix, AZ 85004
Attorneys for Verrado Community Assn., Inc. and
DMB White Tank LLC
- 21
- 22 Larry D. Woods
15141 West Horseman Lane
Sun City West, AZ 85375
- 23
- 24 Joan S. Burke
LAW OFFICE OF JOAN S. BURKE
1650 North First Avenue
Phoenix, AZ 85003
- 25 Attorney for Corte Bella Golf Club
- 26
- 27 Philip H. Cook
10122 West Signal Butte Circle
Sun City, AZ 85373
- 28

1 Jason D. Gellman
2 ROSHKA DEWULF & PATTEN, PLC
3 One Arizona Center
4 400 East Van Buren Street, Suite 800
5 Phoenix, AZ 85004
6 Attorneys for Corte Bella Country Club Assn., Inc.

7 Chad R. Kaffer
8 Troy B. Stratman
9 MACK DRUCKER & WATSON, PLC
10 3200 North Central Avenue, Suite 1200
11 Phoenix, AZ 85012
12 Attorneys for Corte Bella Country Club Assn., Inc.

13 Frederick G. Botha
14 23024 North Giovota Drive
15 Sun City West, AZ 85375

16 George Turner, President, Board of Directors
17 RUSSELL RANCH HOMEOWNERS'
18 ASSOCIATION, INC.
19 21448 North 75th Avenue, Suite 6
20 Glendale, AZ 85308

21 Gary Verburg, City Attorney
22 Cynthia S. Campbell, Assistant City Attorney
23 OFFICE OF THE CITY ATTORNEY
24 200 West Washington, Suite 1300
25 Phoenix, AZ 85003-1611
26 Attorneys for City of Phoenix

27 Janice Alward, Chief Counsel
28 Legal Division
29 ARIZONA CORPORATION COMMISSION
30 1200 West Washington Street
31 Phoenix, AZ 85007

32 Steve Olea, Director
33 Utilities Division
34 ARIZONA CORPORATION COMMISSION
35 1200 West Washington Street
36 Phoenix, AZ 85007

37 By: 
38 Debra Broyles
39 Secretary to Teena Jibilian

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