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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2011 DEC -1 P 3: 22 Arizona Corporation Commission
DOCKETED
AZ CORP COMMISSION
DOCKET CONTROL DEC 1 2011

DOCKETED BY
RBS

IN THE MATTER OF THE COMMISSION ON
ITS OWN MOTION INVESTIGATING THE
FAILURE OF TRUXTON CANYON WATER
COMPANY TO COMPLY WITH
COMMISSION RULES AND REGULATIONS.

DOCKET NO. W-02168A-10-0247

PROCEDURAL ORDER

BY THE COMMISSION:

On June 16, 2011, Truxton Canyon Water Company (“Truxton”) timely filed an application for reconsideration of Arizona Corporation Commission (“Commission”) Decision No. 72386 (May 27, 2011).

On June 28, 2011, the Commission issued Decision No. 72448, granting rehearing of Decision No. 72386 for the limited purpose of further consideration.

At its August 16, 2011 Open Meeting, the Commission further considered these matters and heard comments from the parties concerning rehearing of Decision No. 72386. The Commission found and concluded that rehearing should be granted for Decision No. 72386.

On August 24, 2011, the Commission issued Decision No. 72548 granting Truxton’s request for rehearing. Decision No. 72548 did not limit the scope on rehearing to Truxton’s request for reconsideration, but stated that the rehearing proceedings should provide an opportunity for all parties to raise any issues presented in this docket. The Decision directed the Hearing Division to conduct appropriate proceedings for rehearing and to prepare a recommended opinion and order for the Commission’s consideration. The Decision stated that the parties may raise issues related to whether the Claude K. Neal Family Trust (“Trust”) is a public service corporation; directed Truxton to file a proposed interim tariff for Commission approval for water service to Valle Vista Property Owners Association, Inc. (“Valle Vista”); and allowed Valle Vista to file a response or alternative proposal to Truxton’s proposed tariff.

1 On August 29, 2011, by Procedural Order, a procedural conference was set for September 9,
2 2011, to establish a procedural schedule for the rehearing proceeding.

3 On September 1, 2011, counsel for Truxton filed a Motion to Reschedule the Procedural
4 Conference ("Motion"). The Motion stated that counsel for Truxton had a scheduling conflict which
5 required counsel to appear in Superior Court at the same time as the procedural conference scheduled
6 in this matter. The Motion further stated that based upon the availability of all attorneys involved in
7 the above-captioned case, Truxton requested that the procedural conference be rescheduled for
8 September 16, 2011.

9 On the same date, Truxton filed a Notice of Filing Interim Tariff.

10 On September 7, 2011, by Procedural Order, the procedural conference scheduled for
11 September 9, 2011, was rescheduled to September 16, 2011.

12 On September 16, 2011, a procedural conference was held as scheduled. The Commission's
13 Utilities Division ("Staff"), Truxton, and intervenor Valle Vista appeared through counsel.
14 Discussions were held among the parties regarding a procedural schedule for the rehearing
15 proceeding. Counsel for Truxton and Valle Vista stated that they needed additional time to conduct
16 discovery. Staff stated it did not anticipate filing any additional testimony, nor would it be
17 conducting further discovery. The parties recommended that the hearing be set for approximately 45
18 days from the date of the procedural conference.

19 On the same date, Valle Vista filed a response to Truxton's proposed interim tariff, requesting
20 that the Commission not adopt the proposed tariff.

21 On September 26, 2011, a Procedural Order was issued scheduling the rehearing for February
22 16 and 17, 2012, and establishing other procedural deadlines.

23 On November 23, 2011, Staff filed a Motion for an Extension of Time ("Motion"). The
24 Motion states that due to Staff's current workload, Staff requires an additional five days or until
25 December 2, 2011, to file its testimony. Staff's Motion also states that in discussions with Valle
26 Vista and Truxton, Valle Vista has requested that its deadline for filing its testimony be extended
27 from November 28, 2011 to December 5, 2011. Truxton does not object to Staff's and Valle Vista's
28 request for an extension of time.

1 The September 26, 2011, Procedural Order directed testimony to be filed by Staff and Valle
2 Vista on November 28, 2011. Therefore, it is appropriate to extend the deadline for filing testimony
3 for both Staff and Valle Vista, until December 5, 2011.

4 IT IS THEREFORE ORDERED that the **Staff Report and/or direct testimony and**
5 **associated exhibits** to be presented at hearing **on behalf of Staff** shall be reduced to writing and filed
6 on or before **December 5, 2011**.

7 IT IS FURTHER ORDERED that **testimony and associated exhibits to be presented at**
8 **hearing on behalf of Valle Vista** shall be reduced to writing and filed on or before **December 5,**
9 **2011**.

10 IT IS FURTHER ORDERED that all other filing dates set forth in the September 26, 2011,
11 Procedural Order, shall remain unchanged.

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

15 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
16 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (Arizona Supreme
19 Court Rule 42). Representation before the Commission includes the obligation to appear at all
20 hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
21 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
22 Law Judge or Commission.

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

3 DATED this 1st day of December, 2011.

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6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 1st day of December, 2011 to:

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27 Secretary to Yvette B. Kinsey

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