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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

2011 DEC -5 A 9:33

DOCKETED

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

DEC 5 2011

AZ CORP COMMISSION DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF ELFRIDA DOMESTIC WATER USERS ASSOCIATION FOR TRANSFER OF ITS ASSETS TO ELFRIDA WATER IMPROVEMENT DISTRICT AND CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-01351A-11-0089

PROCEDURAL ORDER

BY THE COMMISSION:

On February 25, 2011, Elfrida Domestic Water Users Association ("Elfrida" or "Company"), filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its assets and operations to the Elfrida Water Improvement District and to cancel the Company's Certificate of Convenience and Necessity ("Application").

On September 6, 2011, the Commission's Utilities Division Staff ("Staff") filed a Staff Report recommending Commission approval of the Application.

Pursuant to a Procedural Order filed October 26, 2011, a procedural conference was held on November 30, 2011, in order to ascertain if a hearing is necessary in this matter. At the conclusion of the procedural conference, it was determined that a hearing should be held.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the hearing in this matter shall be held on February 7, 2012, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before January 20, 2012.

IT IS FURTHER ORDERED that any objections to the Staff Report or to any Motions to

1 **Intervene shall be filed on or before January 27, 2012.**

2 IT IS FURTHER ORDERED that **Elfrida shall file with the Commission on or before**
3 **January 13, 2012, a copy of a Company Resolution authorizing a Company officer to represent**
4 **Elfrida at hearing.**

5 IT IS FURTHER ORDERED that Elfrida shall **mail to each customer and property owner**
6 **or property owner representative** in the requested cancellation of CC&N area a copy of the hearing
7 notice stated below, and shall also cause the hearing notice to be published in a newspaper of general
8 circulation in its service territory, with both mailing and publication to be completed no later than
9 **January 6, 2012.**

10 IT IS FURTHER ORDERED that Elfrida shall **file certification of mailing and publication**
11 as soon as practicable after mailing and publication has been completed, but not later than **January**
12 **20, 2012.**

13 IT IS FURTHER ORDERED that Elfrida shall provide public notice of the hearing in this
14 matter, in the following form and style:

15 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
16 **ELFRIDA DOMESTIC WATER USERS ASSOCIATION**
17 **FOR APPROVAL OF SALE OF ASSETS**
18 **AND CANCELLATION OF ITS CERTIFICATE**
19 **OF CONVENIENCE AND NECESSITY**
20 **(DOCKET NO. W-01351A-11-0089)**

21 **Summary**

22 On February 25, 2011, Elfrida Domestic Water Users Association (“Company”) filed
23 with the Arizona Corporation Commission (“Commission”) an application for
24 approval to sell its assets and operations to the Elfrida Water Improvement District and
25 to cancel the Company’s Certificate of Convenience and Necessity. The
26 Commission’s Utilities Division (“Staff”) filed a Staff Report on September 6, 2011,
27 recommending Commission approval of the application. The Commission is not
28 bound by the proposals made by the Company, Staff, or any intervenors. The
Commission will issue a decision regarding the Company’s application following
consideration of testimony and evidence presented at an evidentiary hearing.

29 **How You Can View or Obtain a Copy of the Application**

30 Copies of the application are available at the Company’s offices [**COMPANY**
31 **INSERT ADDRESS HERE**] and the Commission’s offices at 1200 West
32 Washington, Phoenix, Arizona, or 400 West Congress, Tucson, Arizona, for public
33 inspection during regular business hours, and on the internet via the Commission
34 website (www.azcc.gov) using the e-docket function.

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Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **February 7, 2012, at 10:00 a.m.**, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions), or by mailing a letter referencing Docket Number W-01351A-11-0089 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000 or (520) 628-6550.

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About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. **If you would like to intervene, you must file a written motion to intervene with the Commission no later than January 20, 2012.** You must send copies of the motion to the Company or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

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The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before January 20, 2012.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. **However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.**

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ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, e-mail SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

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IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual customer or property owner to read

1 or receive the notice.

2 IT IS FURTHER ORDERED that **the time clock in this matter is suspended.**

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
4 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

8 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
9 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
10 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
11 30 days of the date of this Procedural Order.

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

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

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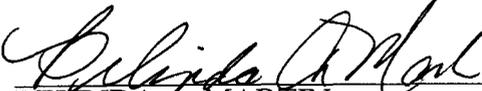
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IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 2nd day of December, 2011.


BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

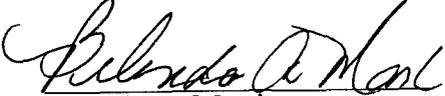
Copies of the foregoing mailed/delivered this 2nd day of December, 2011, to:

Michael J. Coyle
ELFRIDA DOMESTIC
WATER USERS ASSOCIATION
P. O. Box 356
10394 "C" Highway 191
Elfrida, AZ 86434

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ARIZONA CORPORATION COMMISSION
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Phoenix, AZ 85007

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Utilities Division
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ARIZONA REPORTING SERVICE, INC.
2200 N. Central Ave., Suite 502
Phoenix, AZ 85004

By: 
Belinda A. Martin