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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

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

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY	<i>[Signature]</i>
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IN THE MATTER OF THE APPLICATION OF
MICHAEL W. SCHULTZ AND PAMELA J.
SCHULTZ DBA RINCON CREEK WATER
COMPANY, FOR APPROVAL OF SALE OF
ASSETS AND TRANSFER CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03783A-10-0172

PROCEDURAL ORDER

BY THE COMMISSION:

On May 3, 2010, Michael W. Schultz and Pamela J. Schultz d/b/a Rincon Creek Water Comany ("Rincon Creek"), filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its water system assets and transfer its Certificate of Convenience and Necessity to William Shirley and Gretchen Shirley ("Transferees" and, together with Rincon Creek, the "Applicants").

On December 11, 2010, a hearing was held on the application.

On September 19, 2011, a Procedural Order was issued directing the Applicants and Staff to file briefs addressing certain issues that arose at hearing, and the parties filed their respective briefs as directed.

In its Reply Brief, Rincon Creek's co-applicant Shirley requested that given the circumstances of this case, the Commission consider issuing a decision extinguishing Rincon Creek's CC&N.

Pursuant to a Procedural Order filed December 1, 2011, a procedural conference was held on December 15, 2011, to discuss the Applicants' request. During the procedural conference, the parties discussed the change in circumstances since the application was originally filed. The Applicants now believed that a better course of action would be to withdraw the instant application and file a new application requesting cancellation of the CC&N.

On January 23, 2012, the Applicants filed their Motion to (i) Withdraw Application, (ii) Administratively Close Docket, and (iii) Transfer Pleadings and Hearing Record to New Docket

1 (“Motion to Withdraw”). The Applicants filed contemporaneously with the Motion to Withdraw an
2 Application for Order Cancelling Certificate of Convenience and Necessity, Docket No. W-03783A-
3 12-0023.

4 In their Motion to Withdraw, the Applicants explain the circumstances surrounding their
5 Motion to Withdraw, noting that, of the five customers previously receiving water from Rincon
6 Creek, two are no longer customers (opting instead to use their own private well), and the other three
7 customers, including the Transferees, have entered into a private well agreement. The Transferees
8 indicate that they have no desire to provide water to additional parties. The Transferees’ main
9 interest in acquiring Rincon Creek was to provide water to a guest ranch they own and operate, not
10 necessarily to own and operate a water company. The Applicants stated that they contacted Staff and
11 Staff indicated there is no objection to the Motion to Withdraw.

12 Accordingly, the Applicants’ Motion to Withdraw shall be granted, and this Docket shall be
13 administratively closed.

14 For the purposes of administrative efficiency, the entire record from this Docket No. W-
15 03783A-10-0172 shall be incorporated into the new Application for Order Cancelling Certificate of
16 Convenience and Necessity, Docket No. W-03783A-12-0023.

17 IT IS THEREFORE ORDERED that the Applicants’ Motion to Withdraw is granted.

18 IT IS FURTHER ORDERED that this **Docket No. W-03783A-10-0172**, In the Matter of the
19 Application of Michael W. Schultz and Pamela J. Schultz DBA Rincon Creek Water Company for
20 Approval of Sale of Assets and Transfer of Certificate of Convenience and Necessity, is
21 **administratively closed.**

22 IT IS FURTHER ORDERED that, **in the interest of administrative efficiency, the entire**
23 **record of Docket No. W-03783A-10-0172 shall be incorporated into Docket No. W-03783A-12-**
24 **0023**, In the Matter of the Application of Michael W. Schultz and Pamela J. Schultz DBA Rincon
25 Creek Water Company for an Order of the Commission Cancelling Certificate of Convenience and
26 Necessity.

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 BTR day of February, 2012.

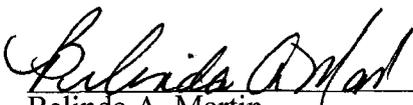
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6 
7 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

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9 Copies of the foregoing mailed/delivered
this 13th day of February, 2012, to:

10 Lawrence V. Robertson, Jr.
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26 Belinda A. Martin