

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

FEB 21 2012

DOCKETED BY

In the matter of:

ALBERT L. SMITH,

Complainant,

v.

BEAVER VALLEY WATER COMPANY, INC.,

Respondent.

DOCKET NO. W-02015A-11-0416

SECOND
PROCEDURAL ORDER

BY THE COMMISSION:

On November 18, 2011, Mr. Albert L. Smith ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint against Beaver Valley Water Company, Inc. ("BVW" or "Company") with respect to a billing dispute involving Complainant's water bill for his residence in Payson, Arizona.

On December 19, 2011, BVW filed an Answer to the Complaint filed by Mr. Smith.

On December 22, 2011, by Procedural Order, a pre-hearing conference was scheduled on January 18, 2012.

On January 18, 2012, at the pre-hearing conference, Complainant appeared on his own behalf. Mr. Michael Davoren appeared on behalf of BVW, which he owns. Although the parties conducted settlement talks, they were unable to reach a resolution of the Complaint herein. At the conclusion of the pre-hearing conference the Complainant, Mr. Smith, was directed to file by February 8, 2012, an Amended Complaint to simplify the issues. The Company was directed to file its Answer/Response by February 21, 2012.

On January 31, 2012, Mr. Smith filed his Amended Complaint with the Commission, but he failed to serve the Company with a copy so that it could respond.

On February 17, 2012, Mr. Davoren filed a letter in the docket and stated that he had not

1 received a copy of the Amended Complaint from Mr. Smith and requested that the proceeding be
2 dismissed.

3 Under the circumstances, Mr. Smith should mail a copy of the Amended Complaint by
4 February 29, 2012, to Mr. Davoren and file proof of mailing the Amended Complaint by certified
5 U.S. mail return receipt requested in the docket. Mr. Davoren should file, within fourteen days of his
6 receipt of the Amended Complaint, BVW's Answer/Response after which a hearing will be
7 scheduled.

8 IT IS THEREFORE ORDERED that **Complainant, Albert Smith, shall mail by February**
9 **29, 2012, a copy of the Amended Complaint to Beaver Valley Water Company and shall file**
10 **proof of mailing of the Amended Complaint by certified U.S. mail return receipt requested with**
11 **the Commission.**

12 IT IS FURTHER ORDERED that **Beaver Valley Water Company shall filed its**
13 **Answer/Response within fourteen days of receipt of the Amended Complaint.**

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

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

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

26 ...

27 ...

28 ...

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

4 DATED this 21st day of February, 2012.

5
6 
7 MARC E. STERN
8 ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered
this 21st day of February, 2012, to:

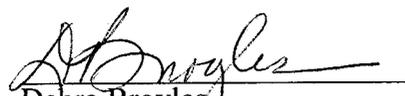
11 Albert L. Smith
12 2613 North McAllister Avenue
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13 Michael Davoren
14 BEAVER VALLEY WATR CO., INC.
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23
24 By: 
25 Debra Broyles
26 Secretary to Marc E. Stern

27
28