

ORIGINAL

OPEN MEETING AGENDA ITEM



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AZ CORP COMMISSION
DOCKET CONTROL

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Arizona Corporation Commission
DOCKETED

APR 16 2012

DOCKETED BY

12 Attorneys for Intervenor City of Phoenix

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

- 13 GARY PIERCE, Chairman
- 14 SANDRA D. KENNEDY
- 15 PAUL NEWMAN
- 16 BOB STUMP
- 17 BRENDA BURNS

18 IN THE MATTER OF THE APPLICATION
19 OF ARIZONA-AMERICAN WATER
20 COMPANY, AN ARIZONA
21 CORPORATION, FOR A DETERMINATION
22 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, SUN CITY WASTEWATER
DISTRICT, AND SUN CITY WEST
WASTEWATER DISTRICT.

DOCKET NOS. W-01303A-09-0343
and SW-01303A-09-0343

**MOTION FOR EXTENSION OF
TIME TO FILE EXCEPTION TO
THE RECOMMENDED
DECISION OF THE
ADMINISTRATIVE HEARING
OFFICER**

21 The City of Phoenix (Phoenix), through its City Attorney, Gary Verburg, by his
22 Assistant, Cynthia S. Campbell, moves to extend the time for Phoenix to file an exception to

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1 the Recommended Decision of the Administrative Hearing Officer issued April 10, 2012. In
2 support of its motion, Phoenix states as follows:

3 1. On April 10, 2012, Administrative Law Judge Teena Jibilian filed her
4 Recommended Decision in the form of an Opinion and Order in the above referenced docket
5 number (Recommended Decision). Phoenix does not appear on the service list for that
6 document.

7 2. On the afternoon of Friday, April 13, 2012, counsel for Phoenix designated below
8 engaged in a casual conversation with a member of Commission staff at a meeting unrelated
9 to this docket (or any other Commission matter). During that conversation, the Commission
10 staff member mentioned in passing that a document had been filed in this docket by the
11 Administrative Law Judge, but did not specify the document.

12 3. On April, 16, 2012 at 9:00 a.m., counsel for Phoenix reviewed the online docket in
13 this matter and noticed for the first time the Recommended Decision filed on April 10, 2012,
14 with a due date for filing exceptions on April 19, 2012. Although Phoenix was listed on the
15 Recommended Decision as a participant in the administrative hearing held November 14-17,
16 2011, Phoenix was not included on the service list for the Recommended Decision.

17 4. To date, Phoenix has not received the Recommended Decision from the
18 Commission or any other party to this matter.

19 5. On April 16, 2012, counsel for Phoenix called Docket Control and confirmed with
20 it and the Hearing Division that Phoenix was not on the service list. Neither could offer any
21 reason why Phoenix was omitted.

22

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1 6. On July 5, 2011, Phoenix was granted an intervention by Administrative Law
2 Judge Teena Jibilian and has been an active participant in this matter since that date.

3 7. Phoenix is significantly prejudiced by the omission in that other parties will have
4 at least 8 days to prepare their responses while Phoenix will have less than 3 days to review
5 the 50 page Recommended Order and prepare an exception.

6 8. Phoenix proposes that the Administrative Law Judge grant it until April 23, 2012
7 to file its exceptions to the Recommended Order, which will provide less than one week to
8 review the Recommended Order and prepare a response. Phoenix understands that even with
9 this extension, it is at a disadvantage due to the fact that the public hearing will take place on
10 April 24-25 and the Commission will have limited time to review Phoenix' exceptions prior
11 to the public hearing. However, without the extension it is unlikely Phoenix will be able to
12 file a complete exception, which may include fundamental issues of Commission jurisdiction
13 requiring legal research.

14 WHEREFORE, the City of Phoenix requests that the Administrative Law Judge grant
15 it an extension until April 23, 2012 to file its exception to the Recommended Decision issued
16 April 10, 2012.

17 RESPECTFULLY SUBMITTED this 16th day of April, 2012.

18 GARY VERBURG, City Attorney

19 By Cynthia S. Campbell
20 CYNTHIA S. CAMPBELL
21 Assistant City Attorney
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1 Original and 13 Copies of the
foregoing hand delivered this
2 16th day of April, 2012 to:

3 Docket Control
Arizona Corporation Commission
4 1200 W. Washington
Phoenix, AZ 85007

5
6 Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
7 Phoenix, Arizona 85007

8 ...

9 ...

10 Copies of the foregoing mailed (and
where possible e-mailed)
11 this 16th day of April, 2012, to:

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