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BEFORE THE ARIZONA CORPORATION COMMISSION

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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

J. ALAN SMITH,
COMPLAINANT,

VS.

PAYSON WATER CO., INC. /BROOKE
UTILITIES, INC.

RESPONDENT.

DOCKET NO. W-03514A-12-0007

PROCEDURAL ORDER

BY THE COMMISSION:

On January 10, 2012, J. Alan Smith ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against Payson Water Co., Inc. ("Payson Water" or "Company") and Brooke Utilities, Inc. ("BU").

On February 2, 2012, Payson Water filed an Answer to the Complaint and Motion to Dismiss.

On February 16, 2012, the Complainant filed a Reply to Respondent's Answer.

On February 23, 2012, a Procedural Order was issued scheduling a procedural conference for March 9, 2012.

On March 9, 2012, the procedural conference was held as scheduled.

On March 29, 2012, the Company filed a Motion to Dismiss.

On March 30, 2012, Payson Water filed a Motion to Quash Brooke Utilities, Inc. as a Party to the Complaint.

On April 3, 2012, the Complainant filed a Response and Objection to Respondent's Motion to Quash Brooke Utilities, Inc. as a Party to the Complaint and Motion to Deny.

On April 3, 2012, the Complainant filed a Response and Objection to Respondent's Motion to Dismiss and Motion to Deny.

1 On April 9, 2012, Payson Water filed a Reply to Complainant's Response to Payson Water
2 Co.'s Motion to Dismiss and Motion to Deny.

3 On April 9, 2012, the Company also filed a Reply by Payson Water Co. to Complainant's
4 Response and Objection to Respondent's Motion to Quash Brooke Utilities, Inc. as a Party to the
5 Complaint.

6 On April 13, 2012, the Complainant filed a Response and Objection to Respondent's Motion
7 to Quash Brooke Utilities, Inc. as a Party to the Complaint and Motion to Deny.

8 On April 13, 2012, the Complainant also filed an Objection to Respondent's Reply to
9 Complainant's Response to Respondent's Motion to Dismiss and Motion to Stay.

10 On April 20, 2012, the Commission's Utilities Division ("Staff") filed a Notice of Filing
11 regarding the status of a subpoena issued to Martin's Trucking.

12 On May 3, 2012, Staff filed a Status of Mediation indicating that a settlement was not reached
13 by the parties and requesting that a hearing be scheduled.

14 IT IS THEREFORE ORDERED that a **hearing shall be scheduled for August 7, 2012, at**
15 **10:00 a.m., at the offices of the Commission, Hearing Room No. 1, 1200 West Washington,**
16 **Phoenix, Arizona 85007.**

17 IT IS FURTHER ORDERED that the **Complainant shall pre-file testimony in support of**
18 **the allegations in his complaint by no later than July 16, 2012.**

19 IT IS FURTHER ORDERED that the **Company and Staff shall file responsive testimony**
20 **by no later than July 30, 2012.**

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

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25 ...

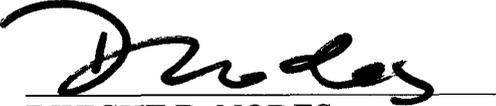
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 18th day of June, 2012.

5 

6 DWIGHT D. NODES
7 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 This 18th day of June, 2012 to:

10 J. Alan Smith
11 8166 Barranca Road
12 Payson, AZ 85541

13 Robert T. Hardcastle
14 BROOKE UTILITIES, INC.
15 P.O. Box 82218
16 Bakersfield, CA 93380

17 Janice Alward, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, AZ 85007

22 Steve Olea, Director
23 Utilities Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, AZ 85007

27 ARIZONA REPORTING SERVICE, INC.
28 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004

By: 
24 Debbi Person
25 Assistant to Dwight D. Nodes