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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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ARIZONA CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF
BEAVER DAM WATER COMPANY, INC. FOR A
RATE INCREASE.

DOCKET NO. W-03067A-12-0232

PROCEDURAL ORDER

BY THE COMMISSION:

On June 8, 2012, Beaver Dam Water Company, Inc. ("Beaver Dam" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for a rate increase.

On June 21, 2012, Beaver Dam filed an affidavit of customer notification.

On June 29, 2012, the Commission's Consumer Services Division docketed a public comment received from Jay Hitchcox that also included a request for intervention. However, no address was included on the public comment statement; nor does it appear that the Company was served with the intervention request. To date, no address has been received from Mr. Hitchcox and therefore his filings will be treated as public comments rather than a formal intervention request.

On July 9, 2012, the Company filed additional information in support of its application.

On July 9, 2012, Staff a Letter of Sufficiency stating that Beaver Dam's application met the sufficiency requirements set forth in Arizona Administrative Code ("A.A.C.") R14-2-103, and classified the Company as a Class C utility.

On July 30, 2012, a Procedural Order was issued scheduling a hearing for February 4, 2013, establishing various filing deadlines, and ordering the Company to provide public notice of the application and hearing.

On August 17, 2012, Beaver Dam filed a certification of mailing and publication of the public notice and a response to Mr. Hitchcox's intervention request. A number of public comments have been received from customers in response to mailing and publication of the notice.

1 On November 1, 2012, the Beaver Dam Property Owners Association (“BDPOA”) filed an
2 Application to Intervene stating that it has a real and substantial interest in this proceeding as the
3 homeowners association representing customers within Beaver Dam’s service area. No opposition to
4 BDPOA’s intervention request was received.

5 On November 15, 2012, the Commission’s Utilities Division (“Staff”) filed a Request for
6 Extension of Time. In its Request, Staff proposed to modify the schedule as follows:

7
8 Staff/Intervenor Direct Testimony - November 21, 2012 to **December 12, 2012**
9 Rebuttal Testimony – December 21, 2012 to **January 11, 2013**
10 Staff/Intervenor Surrebuttal Testimony – January 18, 2013 to **February 1, 2013**
11 Rejoinder Testimony – At hearing
12 Hearing – February 4, 2013 to **February 19, 2013**

13 Staff stated that it has conferred with Beaver Dam and the Company is agreeable to the
14 proposed schedule modifications.

15 **IT IS THEREFORE ORDERED that the hearing and filing deadline dates set forth in the**
16 **July 30, 2012, Procedural Order shall be modified as follows:**

17 Staff/Intervenor Direct Testimony - **December 12, 2012**
18 Rebuttal Testimony – **January 11, 2013**
19 Staff/Intervenor Surrebuttal Testimony – **February 1, 2013**
20 Rejoinder Testimony – At hearing
21 Evidentiary Hearing – **February 19, 2013 (Additional days on February 20 and 22, 2013,**
22 **as necessary)**

23 **IT IS FURTHER ORDERED that the February 4, 2013, hearing noticed in the Company’s**
24 **mailing and publication shall be convened for the sole purpose of allowing public comment**
25 **regarding the application.**

26 **IT IS FURTHER ORDERED that the Beaver Dam Property Owners Association shall be**
27 **granted intervention** in this proceeding.

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

IT IS FURTHER ORDERED that all parties must comply with Rule 33 (c) and (d) of the
Rules of the Arizona Supreme Court with respect to practice of law and admission pro hac vice.

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

7 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
8 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

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

12 DATED this 20th day of November, 2012.

13 

14 DWIGHT D. NODES
15 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed
17 this 20th day of November, 2012 to:

18 Bob Frisby
19 BEAVER DAM WATER CO., INC.
20 P.O. Box 550
21 Littlefield, AZ 86432

22 Nicholas J. Enoch
23 Jarrett J. Haskovec
24 LUBIN & ENOCH, P.C.
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By: 
Debbi Person
Assistant to Dwight D. Nodes