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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF
HOPEVILLE WATER COMPANY, INC. D/B/A
ALLENVILLE WATER COMPANY FOR
APPROVAL TO SELL ITS WATER SYSTEM
ASSETS TO THE TOWN OF BUCKEYE AND
TO CANCEL ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02077A-12-0493

PROCEDURAL ORDER
SETTING A HEARING AND
GRANTING INTERVENTIONS

BY THE COMMISSION:

On December 17, 2012, Hopeville Water Company dba Allenville Water Company ("Hopeville" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale and transfer of its water system assets to the Town of Buckeye ("Town") and to cancel Hopeville's Certificate of Convenience and Necessity ("CC&N") to provide water utility services in the Town of Hopeville.

On January 7, 2013, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket stating that Hopeville's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

From January 16 through January 30, 2013, the following Motions to Intervene ("Motions") were filed in this docket: Alvin Cobbin, Holly Brown, Sharon K. Caldwell, LaFurn Garland, La Toya Cooper, Maria Estrada, Martha Castro, Georgia L. Land, Albert Williams, Izola Brown, Elanore Guy, Ruby Cooper, Olivia Piper, Jim Brown, Wilbur Brown, Anola Hubbert, Erica Gonzales, Arie Gonzales, Cynthia Bell, Angela Gonzales, Francisco Gonzales, Sergio Munoz, Jennifer Van Acker, and Ellen Berry. Each request for intervention states that the person is a resident of the Town of Hopeville.

To date, no objections to the Motions to Intervene have been filed.

1 Pursuant to A.A.C. R14-2-411.C.5, the Commission now issues this Procedural Order to
2 govern the preparation and conduct of this proceeding.

3 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
4 commence on **April 16, 2013, at 10:00 a.m.**, or as soon thereafter as is practicable, at the
5 Commission’s offices, Hearing Room No. 1, 1200 West Washington, Arizona 85007.

6 IT IS FURTHER ORDERED that Hopeville shall provide public notice of the hearing in this
7 matter, in the following form and style with the heading in no less than 10-point bold type and the
8 body in no less than 8-point regular type:

9
10 **PUBLIC NOTICE OF THE APPLICATION OF HOPEVILLE WATER**
11 **COMPANY, INC. FOR APPROVAL OF THE SALE OF ITS WATER**
12 **SYSTEM ASSETS TO THE TOWN OF BUCKEYE AND TO CANCEL**
13 **ITS CERTIFICATE OF CONVENIENCE AND NECESSITY.**
14 **(DOCKET NO. W-02077A-12-0493)**

15 On December 17, 2012, Hopeville Water Company dba Allenville Water Company
16 (“Hopeville” or “Company”) filed with the Arizona Corporation Commission
17 (“Commission”) an application for approval of the sale and transfer of the Hopeville
18 water system assets to the Town of Buckeye (“Town”). The Commission’s Utilities
19 Division Staff (“Staff”) has not yet made a recommendation regarding Hopeville’s
20 application and the Commission is not bound by the proposals made by Hopeville,
21 Staff, or intervenors. The Commission will issue a Decision regarding Hopeville’s
22 application following consideration of testimony and evidence presented at an
23 evidentiary hearing. Copies of the application, Staff Report, and any written objections
24 to the Staff Report filed by the Company will be available at Hopeville’s offices
25 [insert addresses]; the Commission’s Docket Control Center at 1200 West
26 Washington Street, Phoenix, Arizona; and on the internet via the Commission’s
27 website (www.azcc.gov) using the e-Docket function.

28 The Commission will hold a hearing on Hopeville’s application on **April 16, 2013, at**
10:00 a.m. at the Commission’s offices, Hearing Room No. 1, 1200 West Washington
Street, Phoenix, Arizona. Public comments will be taken on the first day of the
hearing. Written public comments may be submitted by mailing a letter referencing
Docket No. W-02077A-12-0493 to: Arizona Corporation Commission, Consumer
Services Section, 1200 West Washington Street, Phoenix, Arizona 85007. If you
require assistance, you may contact the Consumer Services Section at 1-800-222-7000
or 602-542-4251.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
to intervene. If you wish to intervene, you must file a written motion to intervene with
the Commission and you must send copies of the motion to Hopeville or its counsel
and to all parties of record in the case. Your motion to intervene must contain the
following:

- 1 2. Your name, address, and telephone number and the name, address,
2 and telephone number of any party upon whom service of
3 documents is to be made, if not yourself;
- 4 3. A short statement of your interest in the proceeding (e.g., a
5 customer of the Company etc.); and
- 6 4. A statement certifying that you have mailed a copy of the motion to
7 intervene to Hopeville or its counsel and to all parties of record in
8 the case.

9 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
10 that all motions to intervene must be filed on or before March 22, 2013. If
11 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
12 will be conditioned upon the intervenor's obtaining counsel to represent the
13 intervenor. For information about requesting intervention, visit the Commission's
14 website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
15 intervention, among other things, entitles a party to present sworn evidence at hearing
16 and to cross-examine witnesses. However, failure to intervene will not preclude any
17 interested person or entity from appearing at the hearing and providing public
18 comment on the application or from filing written comments in the record of the case.

19 The Commission does not discriminate on the basis of disability in admission to its
20 public meetings. Persons with a disability may request a reasonable accommodation
21 such as a sign language interpreter, as well as request this document in an alternative
22 format, by contacting the ADA Coordinator Shaylin Bernal, at SBernal@azcc.gov,
23 voice phone number 602-542-3931. Requests should be made as early as possible to
24 allow time to arrange the accommodation.

25 IT IS FURTHER ORDERED that Hopeville shall **mail** to each of its customers in its CC&N
26 area, a copy of the above notice and shall cause the above notice to be published at least once in
27 newspaper of general circulation in its service territory, with **publication and mailing** to be
28 completed no later than **March 1, 2013**.

29 IT IS FURTHER ORDERED that Hopeville shall **file certification of mailing and
30 publication** as soon as practicable after mailing/publication has been completed, but not later than
31 **March 22, 2013**.

32 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/ publication,
33 notwithstanding the failure of an individual customer to read or receive the notice.

34 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits, available at the
35 time the Staff Report is filed, to be presented at hearing shall be reduced to writing and filed on or
36 before **March 8, 2013**.

37 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to
38 writing and filed on or before **April 5, 2013**.

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
2 except that all motions to intervene must be filed on or before **March 22, 2013**.

3 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on
4 or before **April 5, 2013**.

5 IT IS FURTHER ORDERED that intervention is hereby granted to Alvin Cobbin, Holly
6 Brown, Sharon K. Caldwell, LaFurn Garland, La Toya Cooper, Maria Estrada, Martha Castro,
7 Georgia L. Land, Albert Williams, Izola Brown, Elanore Guy, Ruby Cooper, Olivia Piper, Jim
8 Brown, Wilbur Brown, Anola Hubbert, Erica Gonzales, Arie Gonzales, Cynthia Bell, Angela
9 Gonzales, Francisco Gonzales, Sergio Munoz, Jennifer Van Acker, and Ellen Berry.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
11 Communications) applies to this proceeding as the matter is now set for public hearing, and shall
12 remain in effect until the Commission's Decision in this matter is final and non-appealable.

13 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
14 31 and 38 and A.R.S. §40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

3 DATED this 11th day of February, 2013.

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6 
7 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed
9 this 11th day of February, 2013 to:

10 Abraham Harris III
HOPEVILLE WATER COMPANY
11 1415 South Palo Verde Road
Phoenix, AZ 85326

La Toya Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

12 William Lally
RIDENOUR, HIENTON & LEWIS, P.L.L.C.
13 201 North Central Avenue, Suite 3300
Phoenix, AZ 85004
14 Attorneys for Hopeville Water Company

Maria Estrada
1202 South 290th Drive, No. 42
Buckeye, AZ 85326

15 Stephen Cleveland, Town Manager
TOWN OF BUCKEYE
16 530 Monroe Avenue
Buckeye, AZ 85326

Martha Castro
28921 West Pima Street
Buckeye, AZ 85326

17 Scott W. Ruby
18 GUST ROSENFELD, PLC
One West Washington Street, Suite 1600
19 Phoenix, AZ 85004
20 Attorneys for Town of Buckeye

Georgia L. Land
1203 South 290th Drive, #40
Buckeye, AZ 85326

21 Alvin Cobbin
7418 West Wood Street
22 Phoenix, AZ 85043

Albert Williams
1215 South 290th Drive, #49
Buckeye, AZ 85326

23 Holly Brown
9519 West Miami
24 Tolleson, AZ 85353

Izola Brown
PO Box 1142
Buckeye, AZ 85326

25 Sharon Kay Caldwell
28928 West Pima Street
26 Buckeye, AZ 85326

Elanore Guy
28901 West Pima Street
Buckeye, AZ 85326

27 LaFurn Garland
28912 West Cocopah Street
28 Buckeye, AZ 85326

Ruby Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

Olivia Piper
28917 West Pima Street
Hopeville, AZ 85326

1 Jim Brown
2995 North Point Ridge Road
2 Buckeye, AZ 85326

3 Wilbur Brown
4410 North 99th Ave., #2163
4 Phoenix, AZ 85037

5 Anola Hubbert
15735 West Verde Lane
6 Goodyear, AZ 85395

7 Erica Gonzales
28922 West Cocopah Street
8 Buckeye, AZ 85326

9 Arie Gonzales
10 28922 West Cocopah Street
Buckeye, AZ 85326

11 Cynthia Bell
1202 South 289th Drive, #52
12 Buckeye, AZ 85326

13 Angela Gonzales
28913 West Pima Street
14 Buckeye, AZ 85326

15 Francisco J. Gonzales
28912 West Pima Street
16 Buckeye, AZ 85326

17 Sergio Munoz
28926 West Cocopah Street
18 Buckeye, AZ 85326

19 Jennifer Van Acker
28907 West Pima Street
20 Buckeye, AZ 85326

21 Ellen Berry
203 Jackson Avenue
22 Buckeye, AZ 85326

23

24

25

26

27

28

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By:



Debra Broyles
Secretary to Yvette B. Kinsey