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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

RECEIVED Arizona Corporation Commission  
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AZ CORP COMMISSION DOCKETED BY [Signature]  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF FINANCING TO INSTALL A WATER LINE FROM THE WELL ON TIEMAN TO WELL NO. 1 ON TOWERS.

DOCKET NO. W-04254A-12-0204

IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF FINANCING TO PURCHASE THE WELL NO. 4 SITE AND THE COMPANY VEHICLE.

DOCKET NO. W-04254A-12-0205

IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF FINANCING FOR AN 8,000-GALLON HYDRO-PNEUMATIC TANK.

DOCKET NO. W-04254A-12-0206

IN THE MATTER OF THE RATE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC.

DOCKET NO. W-04254A-12-0207

JOHN E. DOUGHERTY,  
COMPLAINANT,

DOCKET NO. W-04254A-11-0323

V.  
MONTEZUMA RIMROCK WATER COMPANY, LLC,

RESPONDENT.

IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF A RATE INCREASE.

DOCKET NO. W-04254A-08-0361

IN THE MATTER OF THE APPLICATION OF MONTEZUMA RIMROCK WATER COMPANY, LLC FOR APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-04254A-08-0362

PROCEDURAL ORDER

BY THE COMMISSION:

On February 25, 2013, a joint procedural conference was held in the above-captioned dockets

1 involving Montezuma Rimrock Water Company (“Montezuma”), at which Montezuma, the  
2 Residential Utility Consumer Office (“RUCO”), and the Commission’s Utilities Division (“Staff”)   
3 appeared through counsel, and at which John Dougherty appeared pro se. At the procedural  
4 conference, Mr. Dougherty stated that he desired to modify his formal complaint against Montezuma,  
5 by focusing on the more serious allegations and shortening the complaint, and he was advised that he  
6 could do so.

7 On February 26, 2013, a Procedural Order was issued in this matter that consolidated all of  
8 the above-captioned dockets, scheduled a hearing in this matter, and established a procedural  
9 schedule and requirements for the consolidated matter going forward. The Procedural Order also  
10 stated that Mr. Dougherty’s outstanding Motion to Amend his complaint by adding Allegation XVII  
11 (“1<sup>st</sup> Motion to Amend”) had been rendered moot because he was going to modify his complaint and  
12 replace it in toto with a more focused complaint.

13 On February 27, 2013, Mr. Dougherty filed his Amended Complaint, which included another  
14 Motion to Amend his complaint by adding Allegation XVII (“2<sup>nd</sup> Motion to Amend”). The assertions  
15 made in Allegation XVII in the 2<sup>nd</sup> Motion to Amend concern the same actions that formed the basis  
16 for the 1<sup>st</sup> Motion to Amend. On March 1, 2013, Mr. Dougherty filed additional documentation<sup>1</sup> to  
17 support the assertions made in Allegation XVII as included in the 2<sup>nd</sup> Motion to Amend. No party  
18 has filed a response to the 2<sup>nd</sup> Motion to Amend.

19 Because Mr. Dougherty was granted permission to revise his complaint substantially, because  
20 the allegations made in the 2<sup>nd</sup> Motion to Amend concern the same actions that formed the basis for  
21 Mr. Dougherty’s 1<sup>st</sup> Motion to Amend, because the parties have already been put on notice of those  
22 allegations, and because no party has objected to the 2<sup>nd</sup> Motion to Amend, it is reasonable and  
23 appropriate to grant Mr. Dougherty’s 2<sup>nd</sup> Motion to Amend.

24 IT IS THEREFORE ORDERED that Mr. Dougherty’s 2<sup>nd</sup> Motion to Amend his complaint by  
25 adding Allegation XVII is hereby granted.

26 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
27

28 <sup>1</sup> It is noted that the affidavit of Robin Richards is invalid in that Ms. Richards has signed both as the affiant and as the notary public.

1 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
2 hearing.

3 DATED this 7<sup>th</sup> day of March, 2013.

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6   
7 SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered/e-mailed  
9 this 7<sup>th</sup> day of March, 2013, to:

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