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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

MAR 21 2013

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY *JM*

IN THE MATTER OF THE APPLICATION OF
DARRELL WALLACE DBA BIDEgain WATER
COMPANY FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
WATER SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. W-02026A-12-0378

PROCEDURAL ORDER

BY THE COMMISSION:

On August 29, 2012, Darrell Wallace dba Bidegain Water Company ("BWC" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide water service in Pinal County, Arizona to an area known as Bidegain Acres Subdivision.

On September 27, 2012, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter.

On March 13, 2013, Staff filed a Sufficiency Letter indicating that BWC's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.") R14-2-402.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **May 16, 2013, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's office, 1200 West Washington St., 2nd Floor Conference Room. , Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **April 26, 2013**.

IT IS FURTHER ORDERED that **objections to intervention** shall be filed on or before **May 13, 2013**.

1 IT IS FURTHER ORDERED that BWC shall serve public notice of the hearing in this matter
2 in the following form and style, with the heading no less than 10 point bold type and the body no less
3 than 8 point regular type:

4
5 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF**
6 **DARRELL WALLACE DBA BIDEGAIN WATER COMPANY FOR A**
7 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**
8 **WATER SERVICE IN PINAL COUNTY.**
9 **DOCKET NO. W-02026A-12-0378**

10 On August 29, 2012, Darrell Wallace dba Bidegain Water Company ("BWC" or
11 "Company" or "Applicant") filed an application with the Arizona Corporation
12 Commission ("Commission") for a Certificate of Convenience and Necessity to
13 provide water utility services in Pinal County, Arizona, to an area known as Bidegain
14 Acres Subdivision. The Commission's Utilities Division ("Staff") has not yet made a
15 recommendation regarding BWC's application, and the Commission is not bound by
16 the proposals made by BWC, Staff, or any intervenors. The Commission will issue a
17 decision regarding BWC's application following consideration of testimony and
18 evidence presented at an evidentiary hearing. If the application is granted the
19 Company would be the exclusive provider of water service within the requested area,
20 and would be required to provide service on the terms and conditions as established
21 by the Commission. Copies of BWC's application, the Staff Report, and any written
22 objections to the Staff Report will be available at BWC's offices [APPLICANT
23 INSERT ADDRESS]; at the Commission's Docket Control Center at 1200 West
24 Washington Street, Phoenix, Arizona; and on the internet via the Commission's
25 website, www.azcc.gov, using the e-Docket link.

26 The Commission will hold a hearing on this matter on **May 16, 2013, at 10:00 a.m.**,
27 or as soon thereafter as is practical, at the Commission's offices, 1200 West
28 Washington St., 2nd Floor Conference Room, Phoenix, Arizona 85007. 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-2026A-12-0378 to:
Arizona Corporation Commission, Consumer Services Section, 1200 West
Washington Street, Phoenix, AZ 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 persons may intervene in the proceedings and participate as
a party. Persons desiring to intervene must file a written motion to intervene with the
Commission and send such motion to the Company or its counsel and to all parties of
record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of
any party upon whom service of documents is to be made if different from
that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer or potential customer of the Company, a member or shareholder of
the Company, etc.).

- 1 3. A statement certifying that a copy of the motion to intervene has been mailed
2 to the Company or its counsel and to all parties of record in the case.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
4 that all motions to intervene must be filed on or before April 26, 2013. If
5 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
6 will be conditioned upon the intervenor's obtaining counsel to represent the
7 intervenor. For information about requesting intervention, visit the Commission's
8 website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
9 intervention, among other things, entitles a party to present sworn evidence at hearing
10 and to cross-examine witnesses. However, failure to intervene will not preclude any
11 interested person or entity from appearing at the hearing and providing public
12 comment on the application or from filing written comments in the record of the case.

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

19 IT IS FURTHER ORDERED that BWC shall publish the above notice in a newspaper of
20 general circulation within the proposed extended service territory and shall mail to each property
21 owner in the requested service territory a copy of this notice by first-class U.S. Mail, to begin as soon
22 as possible and to be completed on or before **April 12, 2013.**

23 IT IS FURTHER ORDERED that BWC shall file certifications of mailing and publication of
24 the above notice on or before **May 6, 2013.**

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

27 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to
28 be presented at the hearing on or before **April 15, 2013.**

IT IS FURTHER ORDERED that **any objection or response** by the Company or Intervenor
to the Staff Report shall be made in writing and filed on or before **May 13, 2013.**

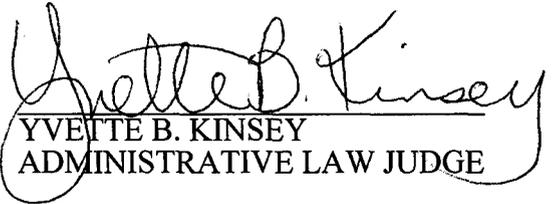
IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
Communications) applies to this proceeding as the matter is now set for public hearing.

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

1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
2 31 and 38 and A.R.S. §40-243 with respect to practice of law and admission *pro hac vice*.

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

5 DATED this 21st day of March, 2013.

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8 
9 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 21st day of March, 2013 to:

12 Karen A. Samuel
13 BIDE GAIN WATER COMPANY
14 c/o Samuel Accounting Service
247 S. Hill Street
Globe, AZ 85501

15 Janice Alward, Chief Counsel
16 Legal Division
ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
Phoenix, AZ 85007

18 Steven M. Olea, Director
19 Utilities Division
ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
Phoenix, AZ 85007

21 ARIZONA REPORTING SERVICE, INC.
22 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

23
24 By: 
25 Debbi Person
26 Assistant to Yvette B. Kinsey
27
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