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BEFORE THE ARIZONA CORPORATION

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Arizona Corporation Commission

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COMMISSIONERS

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

2013 MAR 29 A 11: 24

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY
[Signature]

IN THE MATTER OF THE APPLICATION OF DII-EMERALD SPRINGS, L.L.C. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES.

DOCKET NO. WS-20794A-11-0140

IN THE MATTER OF THE APPLICATION OF DII-EMERALD SPRINGS, L.L.C. FOR APPROVAL OF RATES.

DOCKET NO. WS-20794A-11-0279

IN THE MATTER OF THE APPLICATION OF DOYLE THOMPSON FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER SERVICES.

DOCKET NO. SW-20851A-12-0226

PROCEDURAL ORDER

BY THE COMMISSION:

On January 10, 2013, a Procedural Order was issued in this consolidated matter scheduling a hearing to commence on April 2, 2013, and establishing other procedural requirements and deadlines, among them a requirement for Doyle Thompson to provide prescribed public notice of the hearing by February 22, 2013, and to file proof of that notice in this docket by March 8, 2013. A subsequent Procedural Order, issued after Mr. Thompson failed to file timely proof of notice, required Mr. Thompson to make a filing addressing notice by March 25, 2013. Mr. Thompson again failed to make that filing.

As a result of Mr. Thompson's failure to establish that notice had been provided as required, a Procedural Order was issued on March 26, 2013, vacating the April 2, 2013, hearing scheduled for this matter and ordering that a public comment proceeding and procedural conference be held on that date instead.

On March 28, 2013, the Arizona Department of Environmental Quality ("ADEQ") filed a Motion to Limit Scope of Subpoena ("Motion") requesting that the scope of the Subpoena Duces Tecum ("Subpoena") issued by the Commission on behalf of DII-Emerald Springs, L.L.C. ("DII") be

1 limited pursuant to an agreement between ADEQ and DII. With the Motion, ADEQ included a copy
2 of an e-mail correspondence stream in which DII agreed to limit the scope of the Subpoena to the
3 following documents:

4 All notes, email, correspondence, and other records memorializing
5 communications and meetings between Henry Melendez, PhD, DII-Emerald
6 Springs, LLC, and three ADEQ employees – Bob Manley, Asif Majeed, and
7 Linda Taunt – in 2009 through to the present, relating to DII-Emerald Springs,
8 LLC's water quality permits that were issued by ADEQ.

9 Because DII has agreed to limit the scope of the Subpoena as described above, it is reasonable
10 and appropriate to grant ADEQ's Motion.

11 IT IS THEREFORE ORDERED that the **scope of the Subpoena issued to ADEQ by the**
12 **Commission is modified as agreed by DII and ADEQ and set forth above.**

13 IT IS FURTHER ORDERED that **ADEQ shall be included in the service list** for this matter.

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

17 DATED this 29th day of March, 2013.

18 
19 SARAH N. HARPRING
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered/e-mailed
22 this 29th day of March, 2013, to:

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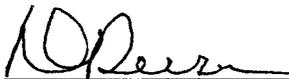
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