

ORIGINAL



0000144794

BEFORE THE ARIZONA CORPORATI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMMISSIONERS

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

RECEIVED
 AZ CORP COMMISSION
 DOCKET CONTROL
 2013 MAY 9 PM 2:55
 Arizona Corporation Commission
 DOCKETED
 MAY 9 8 2013
 DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF)
 HOPEVILLE WATER COMPANY, INC. DBA)
 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

NOTICE OF FILING

Hopeville Water Company, Inc. dba Allenville Water Company (“Hopeville” or “Company”), submits this Notice of Filing pursuant to direction given by Administrative Law Judge Kinsey during the hearing on April 16, 2013. During said hearing, Judge Kinsey requested that the Applicant provide a Notice filed in Docket Control explaining results of the April 29, 2013 Superior Court hearing between Mr. Alvin Cobbin and Mr. Abraham Harris, III, et al.

COURT HEARING RESULTS

Mr. Abraham Harris, III attended the April 29th, 2013 hearing as the representative of Hopeville Water Co., Inc. and Mr. Alvin Cobbin appeared on behalf of The Concerned Citizens of Hopeville, AZ (CCGHA). Mr. Cobbin was asked by Judge Douglas Rayes to clarify his request to the court since such details were lacking in the filed Complaint. Mr. Cobbin stated on the record that neither he nor the group of citizens that he proposes to represent intend to actually enjoin the sale of Hopeville Water Company to the Town of Buckeye, but to enjoin the distribution of the proceeds of the sale. Please see the

1 published Minute Entry regarding the hearing attached as *Exhibit 1* hereto. You will also
2 notice that Judge Rayes advised Mr. Cobbin he cannot represent the proposed citizen
3 group CCGHA without an attorney. Judge Rayes also allowed Mr. Cobbin until May 29,
4 2013 to amend his Complaint to include specific allegations and supporting documents,
5 and set a follow up hearing on June 18, 2013.

6 It is important to note that Mr. Cobbin made it clear at the April 29, 2013 hearing
7 that they are not seeking to enjoin the actual sale of Hopeville to the Town of Buckeye,
8 but rather the distribution of the proceeds of the sale to my client. It is also important to
9 note that efforts have been made to schedule a meeting with Hopeville representatives
10 and the stakeholders to determine a plan for fair distribution of the sales proceeds, and I
11 believe that meeting should occur in the week.

12 Dated May 9, 2013.

13 Respectfully submitted;

14 
15 _____

16 William E. Lally, Esq.

17 Bar #022917

18 Tiffany & Bosco, P.A

19 2525 E. Camelback Road, Third Floor

20 Phoenix, AZ 85016

21 Attorney for Hopeville Water Company.

22 Original and thirteen (13) copies of the
23 foregoing application will be submitted
24 on May 9, 2013

25 Docket Control Center
26 Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

1 and copies mailed to:

2 Holly Brown
3 9519 West Miami
4 Tolleson, AZ 85353

5 Lyn Farmer, Esq.
6 Chief of Hearing, Hearing Division
7 Arizona Corporation Commission
8 1200 West Washington
9 Phoenix, AZ 85007

10 Janice Alward, Esq.
11 Chief Legal Counsel, Ariz. Corp.
12 Commission
13 1200 West Washington
14 Phoenix, AZ 85007

15 Mr. Abraham Harris III
16 Hopeville Water Company, Inc.
17 DbA Alleville Water Company
18 1415 South Palo Verde Road
19 Buckeye, AZ 85326

20 Mr. Stephen Cleveland
21 Town Manager, Town of Buckeye
22 530 West Monroe Avenue
23 Buckeye, AZ 85326

24 Scott W. Ruby, Esq.
25 Gust Rosenfeld, PLC
26 One East Washington Street, Ste. 1600
Phoenix, AZ 85004

Alvin Cobbin
7418 West Wood Street
Phoenix, AZ 85043

Wilbur Brown
4410 North 99th Avenue, #2163
Phoenix, AZ 85037

Anola Hubbert
15735 West Verde Lane
Goodyear, AZ 85395

Steve Olea, Director
Utilities Div., Ariz. Corp. Commission
1200 West Washington
Phoenix, AZ 85007

LaFurn Garland
28912 West Cocopah Street
Buckeye, AZ 85326

LaToya Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

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

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

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

Izola Brown
P. O. Box 1142
Buckeye, AZ 85326

Elanore Guy
28901 West Pima Street
Buckeye, AZ 85326

Ruby Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Arie Gonzales
28922 West Cocopah Street
Buckeye, AZ 85326

Angela Gonzales
28913 West Pima Street
Buckeye, AZ 85326

Sergio Munoz
28926 West Cocopah Street
Buckeye, AZ 85326

Ellen Berry
203 Jackson Avenue
Buckeye, AZ 85326

Oliver and Brice Caldwell
28925 West Pima
Buckeye, AZ 85326

Larry Bell
1201 South 289th Drive, #32
Buckeye, AZ 85326

Sharon K. Caldwell
28928 West Pima Street
Buckeye, AZ 85326

Matilda Lee White
4906 Fairgreen Lane
Houston, TX 77448

By Donna Hamel
Donna Hamel

Jim Brown
2995 North Point Ridge Road
Buckeye, AZ 85369

Erica Gonzalez
28922 West Cocopah Street
Buckeye, AZ 85326

Cynthia Bell
1201 South 289th Drive, #52
Buckeye, AZ 85326

Francisco J. Gonzalez
28912 West Pima Street
Buckeye, AZ 85326

Jennifer Van Acker
28907 West Pima Street
Buckeye, AZ 85326

Robert and Carolyn Land
22807 West Ashleigh Marie Drive
Buckeye, AZ 85326

Federic and Christina Orozco
28913 West Cocopah
Buckeye, AZ 85326

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

EXHIBIT 1

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-002997

04/29/2013

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT
T. Springston
Deputy

ALVIN COBBIN

ALVIN COBBIN
7418 W WOOD ST
PHOENIX AZ 85043

v.

ABRAHAM HARRIS III, et al.

WILLIAM E LALLY

HEARING SET

Central Court Building – Courtroom 704

10:01 a.m. This is the time set for an Order to Show Cause Hearing. Plaintiff Alvin Cobbin is present on his own behalf. Defendants are represented by counsel, William E. Lally.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding service of process. The Court confirms that timely service was completed.

Legal matters and the Complaint are discussed. For reasons stated on the record,

The Court advises Plaintiff Alvin Cobbin:

He can only represent himself;
To consider obtaining counsel for the group of Plaintiffs;
To file an amended complaint.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-002997

04/29/2013

IT IS ORDERED Plaintiffs shall file an amended complaint by **5:00 p.m. May 29, 2013** and provide a copy of the amended complaint to Defendants.

IT IS FURTHER ORDERED setting Plaintiffs' Motion for Temporary Injunction (to enjoin distribution of the proceeds of the sale of Hopeville Water Company) for an Evidentiary Hearing on **June 18, 2013 at 9:00 a.m. (time allotted: 1 hour)** in this division regarding before:

**The Honorable Douglas L. Rayes
Maricopa County Superior Court
Central Court Building
201 West Jefferson
Courtroom 704
Phoenix, AZ 85003
Phone: (602) 506-0816**

10:17 a.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED counsel shall deliver any Exhibits along with a description of each exhibit to the division's clerk for marking no later than **June 11, 2013**.

EXHIBIT REMINDERS:

- Exhibits shall be marked serially by number, Plaintiff's first; Defendant's Exhibit numbers will begin where Plaintiff's numbers end;
- Confer with the other party to eliminate duplicate Exhibits before presenting to the clerk;
- Submit a written list or inventory describing each Exhibit; descriptions should be concise and can be as simple as "letter," "e-mail," or "photo";
- Do **not** skip numbers, or describe Exhibits as "blank" or "withdrawn"; do not "reserve" numbers for items not submitted to the clerk;
- Do not submit Exhibits with subparts (e.g. Exhibit 1a, 1b, 1c);
- Staple or otherwise secure each individual Exhibit so that pages do not become separated;

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-002997

04/29/2013

- Separate Exhibits by a colored sheet of paper with the Exhibit number written on front;
- If an Exhibit is too heavy or large for a hanging file folder, place it in a binder;
- Do not mark depositions as Exhibits; original depositions may be submitted to the division clerk to be filed and will be available for use during the trial/hearing;
- Provide a separate copy of Exhibits, in a binder with numbered tabs, to the court to be referenced by the judge during trial/hearing (okay to deliver judge's copy day of trial);
- Contact the clerk at (602)506-7857 if you have questions regarding Exhibits.

NOTE: All Court proceedings are recorded digitally and not by court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

BEFORE FILING ANY DISCOVERY MOTION, parties are instructed to contact this division for an informal teleconference. Division contact information: Judicial Assistant, Mary Farmer, phone: (602)506-0816.

For copies of hearings or trial proceedings recorded, please call Electronic Records Services at (602)506-7100. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call (602)506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

Pursuant to Part 1, Chapter 6, Section 1-602 D (4)(a), of the Arizona Code of Judicial Administration, **if a court reporter is present**, the court reporter's record is the official record and requests for transcripts shall be made by contacting the court reporter at (602)506-6100 or email request to lineburgc@superiorcourt.maricopa.gov.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.