

ORIGINAL



0000144899

BEFORE THE ARIZONA CORPORAT... COMMISSION

COMMISSIONERS

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

RECEIVED Arizona Corporation Commission

2013 MAY 16 P 1:11 DOCKETED

MAY 16 2013

AZ CORP COMMISSION

DOCKET CONTROL

DOCKETED BY

ASM

SWING FIRST GOLF, LLC
COMPLAINANT,
VS.
JOHNSON UTILITIES, LLC
RESPONDENT.

DOCKET NO. WS-02987A-13-0053

PROCEDURAL ORDER

BY THE COMMISSION:

On March 11, 2013, Swing First Golf, LLC ("SFG") filed with the Arizona Corporation Commission ("Commission") a formal complaint ("Complaint") against Johnson Utilities, LLC ("Johnson").

On March 11, 2013, the Commission sent a copy of the Complaint to Johnson and stated that Johnson had 20 days to file a response.

On April 2, 2013, Johnson filed a Motion to Dismiss and a Motion to Strike.

On April 12, 2013, SFG filed a Response to Johnson's Motion.

On April 26, 2013, Johnson filed a Reply in Support of Motion to Dismiss and Motion to Strike, or in the Alternative, Motion for A More Definite Statement of Claim with Respect to Count "D" ("Reply").

On May 8, 2013, SFG filed a supplement to the Complaint.

On May 14, 2013, Johnson filed a Response to SFG's supplement and a Motion to Strike.

May 15, 2013, SFG filed a Motion for Order to Show Cause and for Emergency Order.

It is appropriate to schedule a procedural conference to discuss the various pending motions and to determine a procedural schedule for the complaint proceeding. Further, it is appropriate to direct the Commission's Utilities Division ("Staff") to appear at the procedural conference.

1 IT IS THEREFORE ORDERED setting a procedural conference on **Monday, May 20, 2013**
2 **at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West
3 Washington Street., Hearing Room No. 1, Phoenix, Arizona, to discuss the various pending motions
4 and to determine a procedural schedule for the complaint proceeding.

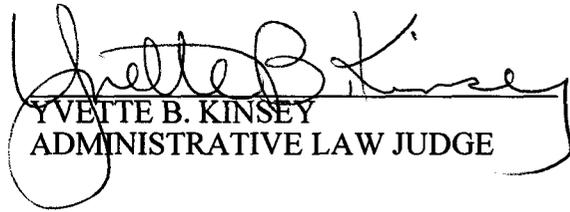
5 IT IS FURTHER ORDERED that **Staff is hereby directed to appear for the procedural**
6 **conference.**

7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
8 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

18 DATED this 16th day of May, 2013.

19 
20 YVETTE B. KINSEY
21 ADMINISTRATIVE LAW JUDGE

22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 Copies of the foregoing mailed/delivered
this 16 day of May, 2013 to:

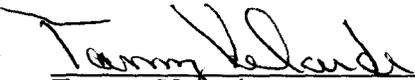
2
3 Craig A. Marks
4 CRAIG A. MARKS, PLC
5 10645 N. Tatum Blvd., Suite 200-676
6 Phoenix, AZ 85028
7 Attorney for Swing First Golf, LLC

8 Jeffrey W. Crockett
9 BROWNSTEIN HYATT FARBER
10 SCHRECK LLP
11 One E. Washington St., Suite 2400
12 Phoenix, AZ 85004
13 Attorneys for Johnson Utilities, LLC

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

19 Steven M. Olea, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, AZ 85007

24 ARIZONA REPORTING SERVICE, INC.
25 2200 North Central Avenue, Suite 502
26 Phoenix, AZ 85004-1481

27
28 By: 
Tammy Velarde
Assistant to Yvette B. Kinsey