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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

RECEIVED

2013 JUN 12 P 3 59

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 12 2013

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
DARRELL WALLACE DBA BIDE GAIN 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, due to the revocation of its original CC&N granted in Decision No. 38745 (December 7, 1966).

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.

On March 21, 2013, by Procedural Order, the matter was set for hearing to commence on May 16, 2013 and setting other procedural deadlines.

On April 15, 2013, Staff filed its Staff Report recommending approval of the application, with conditions.

On May 13, 2013, BWC filed an affidavit of publication and mailing of notice of the application and hearing date.

On May 16, 2013, a full public hearing was commenced as scheduled before a duly authorized Administrative Law Judge of the Commission. Staff appeared through counsel and BWC

1 failed to appear for the hearing. Therefore, the hearing in this matter should be rescheduled; the
2 owner of BWC, Mr. Darrell Wallace, should be directed to personally appear for the next hearing;
3 and the Company should be prepared to give testimony and evidence demonstrating why it is a fit and
4 proper entity to receive a CC&N to provide water utility services in Arizona. Further, it is
5 appropriate to direct BWC to notify the Commission prior to the hearing, the names of any witnesses
6 the Company plans to call at the hearing and any objections the Company has to the Staff Report. It is
7 also appropriate to suspend the timeclock in this matter.

8 IT IS THEREFORE ORDERED that the **hearing in the above-captioned matter shall be**
9 **reset to begin on July 30, 2013, at 10:00 a.m.** or as soon thereafter as is practical, at the
10 Commission's office, 1200 W. Washington, 2nd Floor Conference Room, Phoenix, Arizona 85007.

11 IT IS FURTHER ORDERED that the owner of BWC, **Mr. Darrell Wallace, shall**
12 **personally appear for the July 30, 2013, hearing and be prepared to present testimony and**
13 **evidence demonstrating why BWC is a fit and proper entity to receive a CC&N.**

14 IT IS FURTHER ORDERED that **BWC shall, by July 8, 2013, file in this docket, a list of**
15 **witnesses the Company intends to call during the hearing and any objections to the Staff**
16 **Report.**

17 IT IS FURTHER ORDERED that the timeclock in this matter is hereby suspended.

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

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

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1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court
2 Rules 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 12th day of June, 2013.

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8 
9 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 12th day of June, 2013 to:

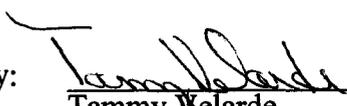
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26 By: 
27 Tammy Kelarde
28 Assistant to Yvette B. Kinsey