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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

JUN 21 2013

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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 other procedural deadlines were set.

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.

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

4 On June 12, 2013, by Procedural Order, the matter was reset for hearing to commence on July  
5 30, 2013; the owner of BWC, Mr. Darrell Wallace, was ordered to personally appear for the next  
6 hearing; and the Company was ordered to be prepared to give testimony and evidence demonstrating  
7 why it is a fit and proper entity to receive a CC&N to provide water utility services in Arizona.  
8 Further, BWC was directed to notify the Commission prior to the hearing, of the names of any  
9 witnesses the Company planned to call at the hearing and to file any objections the Company had to  
10 the Staff Report. The timeclock in this matter was also suspended.

12 On June 17, 2013, BWC Owner, Mr. Darrell Wallace filed an affidavit stating that as of June  
13 1, 2013, he had appointed Karen A. Samuel as treasurer of the Company and requesting that Karen A.  
14 Samuel be allowed to represent Bidegain at the CC&N hearing. Further, Mr. Wallace requests that  
15 Karen A. Samuel be allowed to testify regarding the CC&N application.

17 Arizona Supreme Court Rule 31(13) states that in matters before the Commission:

18 [A] legal entity including a governmental entity may be represented by a full  
19 a full time officer; partner, member or manager of a limited liability company or  
20 employee, provided that: the legal entity has specifically authorized such person to  
21 represent it in the particular matter; such representation is not the person's primary  
22 duty to the legal entity, but secondary or incidental to other duties relating to the  
23 management or operation of the legal entity; and the person is not receiving  
24 separate or additional compensation (other than reimbursement for costs) for such  
25 representation.

23 Pursuant to the above-stated rule, Karen A. Samuel may, in lieu of counsel, represent BWC  
24 during the CC&N hearing. However, if Ms. Samuel represents BWC during the hearing it is unclear  
25 who will be providing testimony on the CC&N application. Therefore, it is appropriate to schedule a  
26 telephonic pre-hearing conference to discuss the procedural posture for the hearing.

27 IT IS THEREFORE ORDERED that a **telephonic pre-hearing conference shall be held on**  
28 **July 9, 2013, at 1:00 p.m.**, to discuss the procedural posture for the hearing.

1 IT IS FURTHER ORDERED that BWC shall contact Deb Person in the Hearing Division  
2 at (602) 542-4250 by July 3, 2013, to get the call in phone number for the telephonic procedural  
3 conference.

4 IT IS FURTHER ORDERED that Karen A. Samuel may, in lieu of counsel, represent  
5 BWC at the CC&N hearing.

6 IT IS FURTHER ORDERED that all other procedural deadlines set forth in the June 12,  
7 2013, Procedural Order remain unchanged.

8 IT IS FURTHER ORDERED that the timeclock in this matter remains suspended.

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

11 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
12 31 and 38 and A.R.S. §40-243 with respect to practice of law and admission *pro hac vice*.

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

15 DATED this 21<sup>st</sup> day of June, 2013.

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18   
19 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed  
21 this 21<sup>st</sup> day of June, 2013 to:

22 Darrell Wallace  
23 BIDE GAIN WATER COMPANY  
P.O. Box 538  
Kearny, AZ 85137

24 Karen A. Samuel  
25 BIDE GAIN WATER COMPANY  
c/o Samuel Accounting Service  
26 247 S. Hill Street  
Globe, AZ 85501

27 Janice Alward, Chief Counsel  
Legal Division  
28 ARIZONA CORPORATION COMMISSION

1 1200 West Washington Street  
Phoenix, AZ 85007

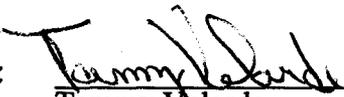
2 Steven M. Olea, Director  
3 Utilities Division  
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By:   
Tammy Velarde  
Assistant to Yvette B. Kinsey

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