

1 ORIGINAL



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2 BEFORE THE ARIZONA CORPORATION

3 COMMISSIONERS

Arizona Corporation Commission

DOCKETED

4 BOB STUMP - Chairman  
5 GARY PIERCE  
6 BRENDA BURNS  
7 BOB BURNS  
8 SUSAN BITTER SMITH

JUN 28 2013

DOCKETED BY [Signature]

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AZ CORP COMMISSION  
DOCKET CONTROL  
2013 JUN 28 PM 1 29

9 IN THE MATTER OF THE APPLICATION OF ST.  
10 DAVID SPRINGS, LLC FOR APPROVAL OF THE  
11 SALE OF ASSETS AND/OR CANCELLATION OF  
12 ITS CERTIFICATE OF CONVENIENCE AND  
13 NECESSITY.

DOCKET NO. W-20460A-13-0004

PROCEDURAL ORDER

14 BY THE COMMISSION:

15 On January 4, 2013, St. David Springs, LLC ("Company") filed with the Arizona Corporation  
16 Commission ("Commission") an Application for Approval of the Sale of Assets and/or Cancellation  
17 of its Certificate of Convenience and Necessity ("Application").

18 On May 3, 2013, the Commission's Utilities Division filed its Sufficiency Letter notifying the  
19 Company that its Application met the sufficiency requirements of the Arizona Administrative Code.

20 Pursuant to a Procedural Order issued June 13, 2013, a procedural conference was held on  
21 June 26, 2013. During the procedural conference, the Company stated that it did not believe a hearing  
22 was necessary in this matter because it no longer has any customers and St. David wished to  
23 discontinue operations. The matter was taken under advisement pending the issuance of a Procedural  
24 Order certain setting filing deadlines.

25 IT IS THEREFORE ORDERED that Staff shall file with Docket Control its **Staff Report** in  
26 this matter no later than **July 29, 2013**. Staff should state if it believes a hearing is needed in this case.

27 IT IS FURTHER ORDER that St. David shall file with Docket Control its **Response to the**  
28 **Staff Report no later than August 9, 2013**, and state if it believes a hearing is needed in this case.

IT IS FURTHER ORDERED that **St. David shall mail by First Class U.S. Mail to each**  
**property owner, customer (or former customer still residing within the certificated area) and/or**  
**entity receiving water from the Company in its certificated area, a copy of the notice provided**  
**below, no later than July 12, 2013.**

1 IT IS FURTHER ORDERED that the Company shall provide public notice of the Application  
 2 in the following form, in its entirety, with the heading in no less than 14-point bold type and the body  
 3 in no less than 10-point regular type:

4 **APPLICATION OF ST. DAVID SPRINGS, LLC**  
 5 **FOR CANCELLATION OF ITS**  
 6 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
 7 **DOCKET NO. W-20460A-13-0004**

8 On January 4, 2013, St. David Springs, LLC ("Company") filed an application with the  
 9 Arizona Corporation Commission ("Commission") to cancel its Certificate of  
 10 Convenience and Necessity ("Application"). If the Application is granted, the  
 11 Company would no longer be the exclusive provider of water service within the  
 12 Company's certificated area. **THE COMMISSION MAY CONSIDER THE**  
 13 **APPLICATION WITHOUT A HEARING, UNLESS A HEARING IS**  
 14 **REQUESTED BY A PARTY TO THE PROCEEDING.**

15 The Application is available for inspection during regular business hours at the  
 16 Commission's offices in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,  
 17 and in Tucson, at 400 West Congress Street, Suite 218, Tucson, Arizona, and at the  
 18 Company's office, [COMPANY INSERT ADDRESS]. The Application is also  
 19 available on the Commission's website, [www.azcc.gov](http://www.azcc.gov), using the e-Docket link.

20 If you have questions about this Application, you may contact the Company at  
 21 [COMPANY INSERT CONTACT NAME, ADDRESS AND TELEPHONE  
 22 NUMBER]. If you want further information, or have questions on how to file  
 23 comments or request a hearing, contact the Commission's Consumer Services Section  
 24 at 1200 West Washington Street, Phoenix, Arizona 85007. **All correspondence**  
 25 **should reference Docket No. W-02460A-13-0004.** You may also call (800) 222-  
 26 7000, (602) 542-4251 or (520) 628-6550.

27 Affected persons have the right to file written comments concerning the Application,  
 28 request intervention, or request a hearing. **ANY WRITTEN COMMENTS,**  
**REQUESTS FOR INTERVENTION, OR REQUESTS FOR HEARING MUST**  
**BE FILED WITH THE COMMISSION NO LATER THAN JULY 23, 2013.**

Any person or entity entitled by law to intervene and having a direct and substantial  
 interest in the matter will be permitted to intervene. If you wish to intervene, you must  
 file the original and 13 copies of a written motion to intervene with the Commission no  
 later than **July 23, 2013**, and mail a copy of the motion to the Company or its counsel  
 and to all parties of record. Your motion must contain the following:

1. Your name, address, and telephone number and the name, address and  
 telephone number of any party upon whom service of documents is to  
 be made, if not yourself.
2. A short statement of your interest in the proceeding (e.g., a customer of  
 the Company, a shareholder of the Company, etc.).
3. A statement certifying that you have mailed a copy of the motion to  
 intervene to the Company or its counsel and to all parties of record in  
 the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
2 that all motions to intervene must be filed on or before July 23, 2013. If representation  
3 by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court,  
4 intervention will be conditioned upon the intervenor obtaining counsel to represent the  
5 intervenor. For information about requesting intervention, visit the Commission's  
6 website at <http://www.azcc.gov/divisions/utilities/FORMS/interven.pdf>. The granting  
7 of intervention, among other things, entitles a party to present sworn evidence at  
8 hearing and to cross-examine other witnesses. However, if a hearing is set, failure to  
9 intervene will not preclude any interested person or entity from appearing at the  
10 beginning of the hearing, and providing public comment on the Application or from  
11 filing written comments in the record of the case.

7 The Commission does not discriminate on the basis of disability in admission to its  
8 public meetings. Persons with a disability may request a reasonable accommodation  
9 such as a sign language interpreter, as well as request this document in an alternative  
10 format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number (602)  
11 542-3931, E-mail: SABernal@azcc.gov. Requests should be made as early as possible  
12 to allow time to arrange the accommodation.

11 IT IS FURTHER ORDERED that St. David shall file with the Commission's Docket  
12 Control, no later than July 19, 2013, a Certification: 1) Verifying that notice was mailed as  
13 required by this Procedural Order, 2) stating the date of mailing, 3) attaching a copy of the  
14 notice, and 4) attaching a list of the persons or entities to which the Company mailed notice.

15 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing,  
16 notwithstanding the failure of an individual customer to read or receive the notice.

17 IT IS FURTHER ORDERED that intervention shall be in accordance with the A.A.C. R14-3-  
18 105, except that all motions to intervene must be filed on or before July 23, 2013.

19 IT IS FURTHER ORDERED that additional filings may be required of the parties and/or the  
20 matter may be set for hearing if deemed necessary.

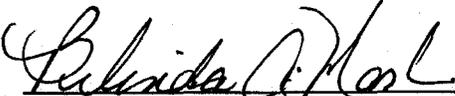
21 IT IS FURTHER ORDERED that the *Ex Parte* Rule (A.A.C. R14-3-113 - Unauthorized  
22 Communications) applies to this proceeding and shall remain in effect until the Commission's  
23 Decision in this matter is final and non-appealable.

24 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
25 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

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

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

4 DATED this 27<sup>th</sup> day of June, 2013.

5   
6 BELINDA A. MARTIN  
7 ADMINISTRATIVE LAW JUDGE  
8

9 Copies of the foregoing mailed/delivered  
10 this 27<sup>th</sup> day of June, 2013, to:

11  
12 Diana Dessy  
13 ST. DAVID SPRINGS, LLC  
14 1600 North Kolb Road, Suite 118  
15 Tucson, AZ 85715

16 Janice Alward, Chief Counsel  
17 Legal Division  
18 ARIZONA CORPORATION COMMISSION  
19 1200 West Washington Street  
20 Phoenix, AZ 85007

21 Steven M. Olea, Director  
22 Utilities Division  
23 ARIZONA CORPORATION COMMISSION  
24 1200 West Washington Street  
25 Phoenix, AZ 85007  
26  
27  
28

By:   
Belinda A. Martin