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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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

RECEIVED Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. FOR
APPROVAL TO EXTEND ITS
CERTIFICATES OF CONVENIENCE AND
NECESSITY FOR WATER AND
WASTEWATER SERVICES.

DOCKET NO. WS-02987A-12-0136

PROCEDURAL ORDER
(GRANTING EXTENSION)

BY THE COMMISSION:

On April 6, 2012, Johnson Utilities, L.L.C. (“Johnson” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for approval to extend its Certificate of Convenience and Necessity (“CC&N”) to provide water and sewer services to an area known as Bella Vista North (located approximately 0.7 miles from the Town of Florence) and Merrill Ranch Expansion #1 (located within the limits of the Town of Florence).

On April 18, 2012, Johnson filed supplements to its application.

On May 7, 2012, the Commission’s Utilities Division (“Staff”) issued an Insufficiency Letter, stating that Johnson’s application had not met the sufficiency requirements as set forth in the Arizona Administrative Code (“A.A.C.”).

On May 23, 2012, Johnson filed responses to Staff’s Insufficiency Letter.

On July 27, 2012, Johnson filed additional information in support of its application.

On November 30, 2012, Johnson filed an amended legal description which, at the developer’s request, deleted a portion of the requested extension area.

On December 20, 2012, Johnson filed an updated legal description.

On February 6, 2013, Staff filed a Sufficiency Letter in this docket stating that Johnson’s application had met the sufficiency requirements as outlined in the A.A.C.

On February 12, 2013, by Procedural Order, the matter was scheduled for hearing and

1 procedural deadlines were established.

2 On March 8, 2013, Johnson filed a Notice of Appearance of Counsel and Request to Modify
3 Procedural Schedule.

4 On March 12, 2013, a Procedural Order was issued modifying the procedural deadline for
5 filing the Staff Report and Johnson's time to file objections to the Staff Report.

6 On March 20, 2013, Johnson filed a Notice of Filing Affidavit of Publication and Affidavit of
7 Mailing Notice.

8 On April 2, 2013, Staff filed a Staff Report in this matter, recommending an Order
9 Preliminary with conditions.

10 On April 12, 2013, Johnson filed comments on the Staff Report.

11 On April 18, 2013, a full evidentiary hearing was held as scheduled before a duly authorized
12 Administrative Law Judge of the Commission. Johnson and Staff appeared through counsel and no
13 members of the public appeared to present public comments. At the conclusion of the hearing, Staff
14 was instructed to file a Closing Brief; the Company was instructed that it may file a response; and the
15 Company was directed to file a late-filed exhibit related to Arizona Department of Environmental
16 Quality ("ADEQ") violations.

17 On April 19, 2013, Johnson docketed a Notice of Filing Late-Filed Exhibits.

18 On May 8, 2013, Staff filed a request for an extension of time, from May 13, 2013 to May 22,
19 2013, to file its closing brief. Staff's request stated that the Company did not oppose Staff's request
20 for an extension of time to file Staff's Closing Brief. Further, Staff requested that the time for the
21 Company to file a responsive brief be extended accordingly.

22 On May 13, 2013, a Procedural Order was issued granting Staff's request for additional time
23 to file its closing brief and for Johnson to file a responsive brief. The timeclock in this matter was
24 also suspended.

25 On May 21, 2013, Johnson filed a Notice of Late Filing Updated Preliminary Engineering
26 Analysis.

27 On May 22, 2013, Staff filed its Closing Brief.

28

1 On June 10, 2013, Johnson filed a Request to Extend Deadline for Filing Response to Staff's
2 Closing Brief. Johnson's request stated that Johnson and Staff had a scheduled meeting on June 14,
3 2013, which might lead to a narrowing of the issues in the case. Therefore, Johnson requested an
4 extension of time from June 10, 2013 to June 17, 2013, for Johnson to file a responsive brief in this
5 matter. Johnson's request stated that Staff did not oppose Johnson's requested extension of the time
6 deadline.

7 On June 11, 2013, a Procedural Order was issued granting Johnson's request and granting
8 Staff an extension of time until July 1, 2013, to file a reply to Johnson's response.

9 On June 17, 2013, Johnson filed a second request to extend the time deadline. In its request,
10 Johnson stated that Johnson and Staff met on June 14, 2013, in an effort to clarify and narrow the
11 disagreements between the parties regarding Staff's recommendations as listed in Staff's Closing
12 Brief. Further, Johnson's request stated that the meeting was productive and the parties would like
13 some additional time for further discussions and to gather some additional information. Johnson
14 requested an extension of time from June 17, 2013 to July 1, 2013, to file its response to Staff's
15 Closing Brief and that the time deadline for Staff to file its reply be extended to July 15, 2013.
16 Johnson stated that Staff supports Johnson's request.

17 On the same date, Staff docketed a Notice of Filing Supplement to Closing Brief, indicating
18 that Staff had learned ADEQ had closed two Notices of Violations ("NOVs") issued to Johnson in
19 October and November of 2012, but that two additional NOVs had issued on May 31, 2013, and that
20 the NOVs had been docketed in Docket Nos. WS-02987A-99-0583; WS-02987A-00-0618; WS-
21 02987A-00-0774; and WS-02987A-00-0784. Staff stated that based on Johnson's continuing non-
22 compliance with ADEQ, these facts do not change Staff's position in this matter.

23 On June 19, 2013, by Procedural Order, Johnson's request for an extension of time from June
24 17, 2013 to July 1, 2013, was granted and the time for Staff to file its reply was extended to July 15,
25 2013.

26 On July 5, 2013, Johnson filed a Request for Retroactive Extension of Deadline for Filing
27 Response to Staff's Closing Brief. Johnson requests an extension of the time deadline from July 1,
28 2013 to July 8, 2013, to file its response to Staff's Closing Brief. Johnson states counsel for Johnson

1 failed to calendar the deadline and was out of state when the response was due; and that counsel for
2 Staff does not oppose Johnson's request, but also requests an extension of Staff's deadline, from July
3 15, 2013 to August 7, 2013, to file its reply.

4 Johnson's request for an extension of the time deadline for Johnson to file its responsive brief
5 is reasonable.

6 IT IS THEREFORE ORDERED that **Johnson's request for an extension of time to July 8,**
7 **2013, to file its response to Staff's Closing Brief is hereby granted.**

8 IT IS FURTHER ORDERED that the time deadline for **Staff to file its reply to Johnson's**
9 **response is hereby extended to August 7, 2013.**

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

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
12 Communications) continues to apply to this proceeding and shall remain in effect until the
13 Commission's Decision in this matter is final and non-appealable.

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

17 DATED this 5th day of July, 2013.

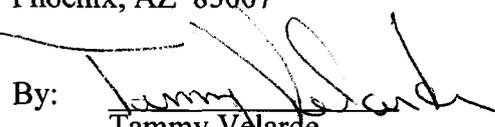
18 
19 YVETTE B. KINSEY
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed
22 this 5th day of July, 2013, to:

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