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BEFORE THE ARIZONA CORPORATION C

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Arizona Corporation Commission

COMMISSIONERS

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- BOB STUMP - Chairman
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2013 JUL 16 A 8:44

JUL 16 2013

AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF
HOPEVILLE WATER COMPANY, INC. D/B/A
ALLENVILLE WATER COMPANY FOR
APPROVAL TO SELL ITS WATER SYSTEM
ASSETS TO THE TOWN OF BUCKEYE AND
TO CANCEL ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02077A-12-0493

**PROCEDURAL ORDER SETTING
A PROCEDURAL CONFERENCE**

BY THE COMMISSION:

On December 17, 2012, Hopeville Water Company dba Allenville Water Company ("Hopeville" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale and transfer of its water system assets to the Town of Buckeye ("Town") and to cancel Hopeville's Certificate of Convenience and Necessity ("CC&N") to provide water utility services in the Town of Hopeville.

On January 7, 2013, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket stating that Hopeville's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On February 11, 2013, by Procedural Order, the matter was set for hearing to begin on April 16, 2013, and intervention was granted to: Alvin Cobbin; Holly Brown; Sharon K. Caldwell; LaFurn Garland; La Toya Cooper; Maria Estrada; Martha Castro; Georgia L. Land; Albert Williams; Izola Brown; Elanore Guy; Ruby Cooper; Olivia Piper; Jim Brown; Wilbur Brown; Anola Hubbert; Erica Gonzales; Arie Gonzales; Cynthia Bell; Angela Gonzales; Francisco Gonzales; Sergio Munoz; Jennifer Van Acker; and Ellen Berry.

On February 13, 2013, a Motion to Intervene was filed by The Concerned Citizens Group of Hopeville, AZ ("Concerned Citizens") and signed by James Brown, Jr., as representative ("February 13, 2013 Motion").

1 On February 21, 2013, by Procedural Order, a procedural conference was scheduled to
2 discuss who Concerned Citizens intended to represent and whether Concerned Citizens met the
3 requirements set forth in Arizona Supreme Court Rule 31.

4 On March 5, 2013, a procedural conference was held as scheduled. Staff and the Company
5 appeared through counsel. Mr. James Brown, Jr. appeared as a representative of Concerned Citizens.
6 During the procedural conference, Mr. Brown stated that Concerned Citizens is neither a legal entity,
7 nor registered as non-profit organization, but that Concerned Citizens is comprised of customers of
8 the Company who are concerned about the sale of assets to the Town. Mr. Brown was informed that
9 ten of the individuals who signed the February 13, 2013 Motion had been previously granted
10 intervention in this matter.

11 On March 8, 2013, the Commission's Utilities Division ("Staff") filed its Staff Report which
12 recommended approval of the application with conditions.

13 On March 21, 2013, Matilda Lee White filed a Motion to Intervene, stating she is a property
14 owner in Hopeville and a customer of the water company.

15 On March 22, 2013, Hopeville filed an Affidavit of Publication and Mailing, stating that
16 notice of the application and hearing date had been mailed via First Class U.S. Mail to customers of
17 Hopeville and that notice had been published in the *Buckeye Valley News*, a weekly newspaper of
18 general circulation in Buckeye, Arizona, on March 7, 2013.

19 On April 9, 2013, intervention was granted to: Robert Land; Carolyn Land; Frederic Orozco;
20 Cristina Orozco; Oliver Caldwell; Brice Caldwell; Larry Bell; and Matilda Lee White.

21 On April 9, 2013, Mr. Alvin Cobbin, intervenor, filed a Motion to Postpone the April 16,
22 2013, hearing.

23 On April 15, 2013, Hopeville filed its response to the Motion to Postpone Hearing.

24 On April 16, 2013, a full public hearing was convened as scheduled before a duly authorized
25 Administrative Law Judge of the Commission. Hopeville and Staff appeared through counsel. Mr.
26 Alvin Cobbin, intervenor appeared on his own behalf as well as other intervenors. During the
27 hearing, Mr. Cobbin's motion to postpone the hearing was discussed. Mr. Cobbin informed the
28 Commission that the Concerned Citizens had filed a lawsuit against Hopeville in Maricopa County

1 Superior Court and that a hearing was scheduled to be held in Superior Court on April 29, 2013.
2 After hearing arguments from Hopeville, intervenors, and Staff, the motion to postpone the hearing
3 was granted and public comment was taken. At the conclusion of the public comment hearing,
4 Hopeville was instructed to file, within 45 days of the hearing, a notice updating the Commission on
5 the lawsuit filed by the Concerned Citizens of Hopeville against Hopeville Water Company in
6 Superior Court.

7 On May 9, 2013, Hopeville docketed a Notice of Filing, stating that a hearing was held on
8 April 29, 2013, in the Superior Court lawsuit; that Mr. Cobbin was granted leave to amend his
9 Complaint; and that a follow up hearing was scheduled for June 18, 2013.

10 No other filings have been made in this docket. Therefore, it is appropriate to hold a
11 procedural conference to discuss the status of the Superior Court case as well as establishing a
12 procedural schedule for the above-captioned matter.

13 **IT IS THEREFORE ORDERED that a procedural conference in the above-captioned**
14 **matter shall be held on August 8, 2013 at 10:00 a.m., or as soon thereafter as is practicable, at**
15 **the Commission's offices, Hearing Room No. 1, 1200 West Washington, Phoenix, Arizona**
16 **85007, to discuss the status of the Superior Court case as well as establishing a procedural**
17 **schedule for this matter.**

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 and shall remain in effect until the
20 Commission's Decision in this matter is final and non-appealable.

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

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

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

3 DATED this 16th day of July, 2013.

4 
5 YVETTE B. KINSEY
6 ADMINISTRATIVE LAW JUDGE
7

8
9 Copies of the foregoing mailed
this 16th day of July, 2013 to:

10 Abraham Harris III
11 HOPEVILLE WATER COMPANY
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