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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION  
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DOCKETED BY

COMMISSIONERS

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

DOCKET NO. W-02312A-13-0326

IN THE MATTER OF THE APPLICATION OF  
PRESIDIO TRAILS DEVELOPMENT, LLC FOR  
DELETION OF ITS PROJECT FROM THE  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY HELD BY HALCYON ACRES  
ANNEX NO. 2 WATER COMPANY, INC.

PROCEDURAL ORDER  
(Stay of Proceedings)

**BY THE COMMISSION:**

On September 20, 2013, Presidio Trails Development, LLC ("Presidio") filed with the Arizona Corporation Commission ("Commission") an application to have Presidio's development project ("Project") deleted from Halcyon Acres Annex No. 2 Water Company, Inc.'s ("Halcyon") Certificate of Convenience and Necessity ("CC&N") ("Application"). Presidio claimed that Halcyon was unable serve the Project, which is located within Halcyon's certificated area. Presidio noted the City of Tucson's water utility, Tucson Water, is willing to provide water service if the Commission permits the deletion.

On October 10, 2013, the Commission's Utilities Division ("Staff") submitted a Notice of Case Status stating that, although Presidio's filing is styled as an application, it is more in the nature of a complaint against Halcyon. Staff noted that Presidio and Halcyon had not brought the matter to the Commission in an informal complaint for mediation and recommended that the entities avail themselves of the process to try to resolve the issue; if a resolution is not reached, the parties may then proceed with a formal complaint.

Presidio docketed its Response to Staff's Notice of Case Status on October 15, 2013. Presidio disagreed with Staff's assertion that the matter must be considered as a complaint or that it must first go through an informal complaint process. Nevertheless, Presidio stated that it is willing to have the Application considered as a complaint as long as the Commission acknowledges that the relief requested is to have its Project deleted from Halcyon's CC&N. Presidio noted that has it contacted

1 Staff to schedule the recommended mediation and suggested that this matter be stayed until the  
2 informal complaint process is completed.

3 On October 22, 2013, Halcyon filed with Commission's Tucson office its Response to  
4 Presidio Trails Development, LLC's October 15, 2013 Filing, stating that Halcyon does not object to  
5 a stay of the proceedings until the informal complaint process is completed.

6 Given the circumstances, it is reasonable to stay the proceedings in this matter.

7 IT IS THEREFORE ORDERED that the **proceedings in this docket are stayed pending the**  
8 **outcome of the informal complaint process.**

9 IT IS FURTHER ORDERED that **Presidio Trails Development, LLC shall file with**  
10 **Docket Control a Status Update upon completion of the informal complaint process.**

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

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

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

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

4 DATED this 25<sup>th</sup> day of October, 2013.

  
BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

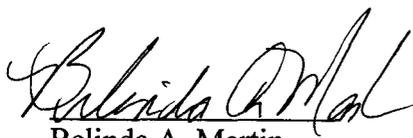
7 Copies of the foregoing mailed  
8 this 25<sup>th</sup> day of October, 2013 to:

9 Thomas H. Campbell  
10 Matthew Bingham  
11 LEWIS ROCA ROTHGERBER LLP  
12 40 North Central Avenue  
13 Phoenix, AZ 85004

14 Gregory E. Good  
15 GOOD LAW, P.C.  
16 Foothills Corporate Center  
17 3430 East Sunrise Drive  
18 Tucson, AZ 85718

19 Janice Alward, Chief Counsel  
20 Legal Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 W. Washington Street  
23 Phoenix, AZ 85007

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

By:   
Belinda A. Martin