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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY TO EXTEND
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY IN CASA GRANDE, PINAL
COUNTY, ARIZONA.

DOCKET NO. W-01445A-03-0559

PROCEDURAL ORDER

BY THE COMMISSION:

On April 6, 2004, Decision No. 66893 was issued in this docket. Decision No. 66893 conditionally granted an application filed on August 12, 2003 by Arizona Water Company ("Arizona Water" or "AWC") for an extension of its existing Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.

Decision No. 66893 placed two conditions on the approval of Arizona Water's August 12, 2003 application. Arizona Water was ordered to file: (1) a copy of the Developers' Certificate of Assured Water Supply ("CAWS") for both the Post Ranch development and the Florence Country Estates development with the Arizona Corporation Commission ("Commission") within 365 days of the Decision; and (2) a main extension agreement associated with the extension area within 365 days of the Decision.

On July 30, 2007, Decision No. 69722 was issued finding that Arizona Water was not able to comply with the time periods established in Decision No. 66893 because the developer of a portion of the extension area withdrew its Arizona Department of Water Resources ("ADWR") CAWS application. However, the Commission concluded that the issuance of the ADWR Analysis of Assured Water Supply satisfied the objective of the condition in Decision No. 66893 for submission of a CAWS for the Florence Country Estates development and that adequate physical water supplies exist for the development. Decision No. 69722 therefore found that, for purposes of compliance, the conditions placed on Arizona Water's CC&N extension in Decision No. 66893 had been fulfilled.

1 Decision No. 69722 also remanded the case to the Hearing Division for further proceedings regarding
2 whether AWC should continue to hold a CC&N for the property owned by intervenor Cornman
3 Tweedy 560 LLC (“Cornman Tweedy”).

4 Following the submission of additional testimony and briefing by the parties, a Recommended
5 Order on Remand was issued by the Hearing Division on November 29, 2010. The Recommended
6 Order was discussed during the Commission’s December 14, 2010 Open Meeting, and again during
7 the February 1, 2011 Open Meeting. At the February 1, 2011 Open Meeting, the Commission voted
8 to send the matter back to the Hearing Division for further proceedings to determine “whether a
9 public service corporation, like Arizona Water, in this water challenged area and under the
10 circumstances presented in this case, is providing reasonable service if it is not able or not willing to
11 provide integrated water and wastewater services.”

12 In the intervening period, procedural conferences have been held, discovery disputes have
13 been resolved, and a number of filings have been made regarding various matters.

14 On October 23, 2013, AWC filed Amended Notices of Deposition for Edward Robson and
15 Peter Gerstman.

16 On November 1, 2013, Cornman Tweedy filed a Motion for Protective Order Quashing the
17 Depositions of Messrs. Gerstman and Robson.

18 On November 25, 2013, AWC filed a Response in Opposition to Cornman Tweedy’s Motion
19 for Protective Order Quashing the Depositions.

20 On December 13, 2013, Cornman Tweedy filed a Reply in Support of Motion for Protective
21 Order Quashing the Depositions. Cornman Tweedy also requested that oral argument be held
22 regarding its motion.

23 **IT IS THEREFORE ORDERED that a procedural conference shall be held on January 10,**
24 **2013, at 10:00 a.m., at the offices of the Commission, 1200 West Washington, Phoenix, Arizona**
25 **85007, Hearing Room No. 2,** for the purpose of taking oral arguments regarding Cornman Tweedy’s
26 Motion for Protective Order, and to discuss other procedural matters.

27 . . .

28 . . .

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 23rd day of December, 2013.

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8 DWIGHT D. NODES
9 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 25th day of December, 2013, to:

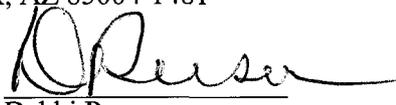
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