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**BEFORE THE ARIZONA CORPORATION COMMISSION  
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COMMISSIONERS

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

2014 FEB 25 P 1:24

AZ CORP COMMISSION  
BOOKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
PAYSON WATER CO., INC., AN ARIZONA  
CORPORATION, FOR A DETERMINATION OF  
THE FAIR VALUE OF ITS UTILITY PLANT AND  
PROPERTY AND FOR INCREASES IN ITS  
WATER RATES AND CHARGES FOR UTILITY  
SERVICE BASED THEREON.

DOCKET NO. W-03514A-13-0111

**ORIGINAL**

IN THE MATTER OF THE APPLICATION OF  
PAYSON WATER CO., INC., FOR AUTHORITY  
TO ISSUE EVIDENCE OF INDEBTEDNESS IN  
AN AMOUNT NOT TO EXCEED \$1,238,000 IN  
CONNECTION WITH INFRASTRUCTURE  
IMPROVEMENTS TO THE UTILITY SYSTEM;  
AND ENCUMBER REAL PROPERTY AND  
PLANT AS SECURITY FOR SUCH  
INDEBTEDNESS.

DOCKET NO. W-03514A-13-0142

PROCEDURAL ORDER

**BY THE COMMISSION:**

On April 22, 2013, Payson Water Co., Inc. ("PWC") filed with the Arizona Corporation Commission ("Commission") an application in Docket No. W-03514A-13-0111 for a determination of the fair value of its utility plant and property and for increases in its water rates and charges for utility service.

On May 27, 2013, PWC filed with the Commission an application in Docket No. W-03514A-13-0142 for authority to (1) issue evidence of indebtedness in an amount not to exceed \$1,238,000 on the terms and conditions set forth by the Water Infrastructure and Finance Authority, and (2) encumber its real property and utility plant as security for such indebtedness.

By Procedural Order issued August 26, 2013, Docket Nos. W-03514A-13-0111 and W-03514A-13-0142 were consolidated.

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Arizona Corporation Commission

**DOCKETED**

FEB 25 2014

DOCKETED BY

1 Hearings in this matter were held on February 4, 5, 7, 10, and 14, 2014. At the conclusion of  
2 the hearing on February 14, 2014, parties were directed to file initial post-hearing briefs by no later  
3 than March 10, 2014, and to file reply briefs by no later than March 21, 2014. (Tr. 919.)

4 On February 24, 2014, A. Glynn Ross, an Intervenor in this case, filed a document entitled  
5 "Interveners Motion for 30 Day Extension for Post Hearing Briefs Second request to separate Gisela/  
6 Deer creek village." In his filing, Mr. Ross states, among other things that "[t]his Intervener has not  
7 been properly notified when the Hearings transcripts will be available for revive to properly prepare  
8 my Post Hearing Brief" and "[o]nce again the hearings are unfair and discriminatory to the Rate  
9 Payers (Intervenors)." Mr. Ross also attached a Petition that requests the Commission to "exempt the  
10 ratepayers (Residence) of the Gisela Arizona Community and/or Deer Creek Village...from the more  
11 stringent ratemaking structure the ACC staff and Payson Water Company have recommended."

12 The Motions filed by Mr. Ross are denied. The briefing schedule for this matter was  
13 discussed on the record on the final day of the hearing, which Mr. Ross did not attend. As an  
14 Intervenor party, Mr. Ross is entitled to "enter an appearance, to introduce evidence, examine and  
15 cross-examine witnesses, make arguments, and generally participate in the conduct of the hearing."  
16 Arizona Administrative Code ("A.A.C.") R14-3-104. Along with those rights, parties (including pro  
17 se Intervenors such as Mr. Ross) also have the responsibility to attend the hearings or, if they are  
18 unable to attend, to become informed regarding rulings made when they are not in attendance. Mr.  
19 Ross did enter an appearance and participated through cross-examination of witnesses on several  
20 days of the hearing, but did not attend the final day of hearing when the briefing schedule was  
21 discussed. It is not a valid excuse to later claim confusion regarding dates that were clearly  
22 delineated at the hearing, especially given that the Commission's hearings are broadcast live on its  
23 website, as well as archived for later viewing, so information regarding rulings is made as accessible  
24 as possible.

25 With respect to the Motion seeking to "exempt" the Gisella and Deer Creek Village systems  
26 from the rest of the PWC systems for ratemaking purposes, the Motion is denied. Mr. Ross may raise  
27 those arguments through post-hearing briefs but there is no basis for granting such a request at this  
28 stage of the proceeding.

1 IT IS THEREFORE ORDERED that the Motions filed by A. Glynn Ross on February 24,  
2 2014, for an extension of time to file post-hearing briefs and to "exempt" the Gisella and Deer  
3 Creek Village systems are denied. In accordance with the discussion and ruling made on the final  
4 day of the hearing, initial post-hearing briefs shall be filed by no later than March 10, 2014, and  
5 reply briefs shall be filed by no later than March 21, 2014.

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

8 DATED this 25<sup>th</sup> day of February, 2014.

9  
10 

11 DWIGHT D. NODES  
12 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed  
14 this 25<sup>th</sup> day of February, 2014, to:

15 Jay L. Shapiro  
16 FENNEMORE CRAIG, P.C.  
17 2394 E. Camelback Road, Suite 600  
18 Phoenix, Arizona 85016  
19 Attorneys for Payson Water Co., Inc.

20 Kathleen M. Reidhead  
21 14406 S. Cholla Canyon Dr.  
22 Phoenix, AZ 85044

23 Thomas Bremer  
24 6717 E. Turquoise Ave.  
25 Scottsdale, AZ 85253

26 Bill Sheppard  
27 6250 N. Central Ave.  
28 Phoenix, AZ 85012

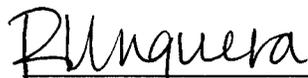
J. Stephen Gehring  
Richard M. Burt  
8157 W. Deadeye Rd.  
Payson, AZ 85541

Suzanne Nee  
2051 E. Aspen Dr.  
Tempe, AZ 85282

Glynn Ross  
405 S. Ponderosa  
Payson, Arizona 85541

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

Steven M. Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

26 By:   
27 Rebecca Unquera  
28 Assistant to Dwight D. Nodes