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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2014 MAR 26 A 11:21

CORP COMMISSION DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 26 2014

DOCKETED BY [Signature]

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

DOCKET NO. W-02312A-13-0326

ORIGINAL

PROCEDURAL ORDER
(Setting Procedural Conference)

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"). 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. Halcyon was not a party to Presidio's filing.

On October 10, 2013, the Commission's Utilities Division ("Staff") submitted a Notice of Case Status concluding that although Presidio's filing is styled as an application for deletion of territory, 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 dispute.

In its Response to Staff's Notice of Case Status docketed on October 15, 2013, Presidio disagreed with Staff's conclusion, but stated it would be willing to engage in mediation. Presidio suggested that this matter be stayed until the process is completed.

On October 22, 2013, Halcyon filed its Response to Presidio Trails Development, LLC's October 15, 2013 Filing, stating it did not object to a stay pending completion of the mediation.

1 A Procedural Order filed October 29, 2013, stayed the proceedings in this docket and directed
2 Presidio to file a status update regarding the mediation's outcome.

3 On January 27, 2014, Presidio docketed its Status Update and Motion for Joinder of Halcyon
4 as Co-Applicant ("Motion"). Halcyon co-signed the Motion. Presidio stated that it and Halcyon had
5 resolved the issues between them and requested that Halcyon be joined with Presidio as a co-
6 applicant in this docket and moved to have the stay lifted.¹

7 A Procedural Order docketed February 11, 2014, lifted the stay and joined Halcyon as a co-
8 applicant in the proceedings (the "Applicants"). The Procedural Order also confirmed that the matter
9 would be considered as an application by Halcyon for a deletion of a portion of its certificated area
10 ("Application").

11 On March 13, 2014, Staff docketed its Sufficiency Letter.

12 On March 13, 2014, the Applicants docketed an Amendment to the Application reflecting the
13 legal description for the portion of Halcyon's CC&N to be deleted.

14 On March 14, 2014, Halcyon filed a Clarification of Halcyon's Joinder in Presidio's
15 Application for Deletion.

16 Given the foregoing, a procedural conference is needed to discuss the necessity for a hearing
17 and the filing requirements and deadlines.

18 **IT IS THEREFORE ORDERED that a telephonic procedural conference shall commence**
19 **on April 10, 2014, at 1:00 p.m., Call-In Number: (888) 450-5996, Participant No. 457395#.** The
20 parties may also attend in person at the Commission's Tucson offices, Room 218, 400 West Congress
21 Street, Tucson, Arizona 85701.

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

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

27 ¹ On February 14, 2014, Staff docketed its Response to Status Update and Motion for Joinder of Halcyon as Co-
28 Applicant. Staff stated it did not object to joinder of Halcyon as a co-applicant and to have the request treated as an
application for deletion of a portion of Halcyon's certificated area.

1 *hac vice.*

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

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

7 DATED this 24th day of March, 2014.

8 
9 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed
11 this 24th day of March, 2014, to:

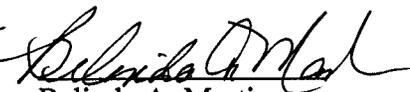
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