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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

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

DOCKETED BY

ARIZONA CORPORATION COMMISSION  
UTILITY DIVISION

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, LLC, DOING  
BUSINESS AS JOHNSON UTILITIES  
COMPANY, FOR APPROVAL OF SALE AND  
TRANSFER OF ASSETS AND CONDITIONAL  
CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. WS-02987A-13-0477

PROCEDURAL ORDER  
(Grants Intervention)

**BY THE COMMISSION:**

On December 31, 2013, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed with the Arizona Corporation Commission ("Commission") the above-captioned application. The application requests approval of the sale and transfer of all of its utility assets and operations in Pinal County, Arizona to the Town of Florence ("Town"), and the cancellation and extinguishment of its Certificates of Convenience and Necessity ("CC&N").

Intervention has been granted to Swing First Golf LLC and the Residential Utility Consumer Office.

On March 4, 2014, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency indicating that the application and information provided to Staff is sufficient for Staff to begin its substantive review of the application. Staff stated in its Letter of Sufficiency that Johnson Utilities should provide notice of the application to all affected parties.

On March 4, 2014, a Procedural Order was issued setting a procedural conference to be held on March 13, 2014, for the purpose of allowing the parties to discuss appropriate notice and an appropriate procedural schedule for the hearing in this matter.

On March 12, 2014, Johnson Utilities filed a Motion to Continue Procedural Conference. The Company stated therein that representatives of the Town would like to attend but had a scheduling conflict.

1 On March 13, 2014, a letter from Commissioner Pierce was filed in this docket indicating his  
2 belief that the Commission could review the application in this docket without a hearing. The letter  
3 stated that Commissioner Pierce had met with representatives of the Town, and the Town's manager  
4 had expressed a desire to complete the proposed transaction within the Town's current fiscal year,  
5 which ends June 30, 2014.

6 On March 13, 2014, the procedural conference convened as scheduled. Appearances were  
7 entered through counsel for Johnson Utilities, Swing First, RUCO, and Staff.

8 On March 14, 2014 a Procedural Order was issued setting a hearing date and associated  
9 procedural deadlines.

10 On March 18, 2014 a Procedural Order was issued changing the date of the pre-hearing  
11 conference.

12 On March 19, 2014, Pulte Home Corporation ("Pulte") filed a Motion to Intervene.

13 On March 19, 2014, a letter was filed in this docket, signed by the Town Manager. The letter  
14 did not request intervention.

15 On March 20, 2014, the Commission held a Staff Open Meeting at which this docket was  
16 discussed.

17 On March 24, 2014, Commissioner Bitter Smith filed a letter requesting responses from the  
18 parties by April 3, 2014.

19 On March 28, 2014, Johnson Utilities filed an Affidavit of Mailing Public Notice and an  
20 Affidavit of Publication.

21 On March 28, 2014, Johnson Utilities filed Direct Testimony of its witness Daniel Hodges.

22 No party has objected to Pulte's intervention request, and accordingly, it should be granted.

23 IT IS THEREFORE ORDERED that Pulte Home Corporation is hereby granted intervention.

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

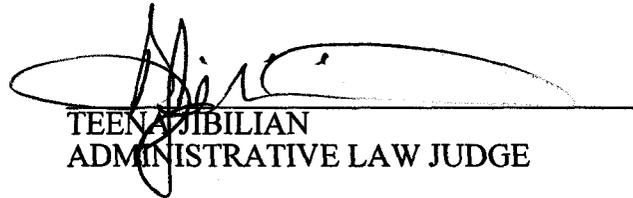
26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
28 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings

1 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
2 discussion unless counsel has previously been granted permission to withdraw by the Administrative  
3 Law Judge or the Commission.

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

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

10 DATED this 31<sup>st</sup> day of March, 2014.

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13   
14 TEENA JIBILIAN  
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered  
16 this 31<sup>st</sup> day of March, 2014 to:

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