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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL  
2014 APR 29 PM 3 18

ORIGINAL

IN THE MATTER OF THE APPLICATION OF  
LIVCO SEWER COMPANY FOR APPROVAL OF  
THE SALE OF ASSETS AND FOR  
CANCELLATION OF THE CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. SW-02563A-14-0058

**PROCEDURAL ORDER**  
**(Schedules Hearing)**

BY THE COMMISSION:

On February 25, 2014, Livco Sewer Company ("Livco" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets to the Concho Wastewater Improvement District ("CWID") and to cancel its Certificate of Convenience and Necessity ("CC&N") to provide wastewater treatment service in Arizona. .

On March 25, 2014, the Commission's Utility Division ("Staff") filed a deficiency letter requesting additional information regarding Livco's application.

On April 15, 2014, Livco filed a Response to Staff's Data Request.

On April 24, 2014, Staff filed a Letter of Sufficiency stating that the Company's application had met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a **hearing** in the above-captioned matter shall be held on **July 9, 2014, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1 Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Livco shall provide public notice of the hearing in this matter, in the following form and style, with the heading no less than 12 point bold type and the body no less than 10 point regular type:

Arizona Corporation Commission

DOCKETED

APR 29 2014

DOCKETED BY

1                    **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**  
2                    **LIVCO SEWER COMPANY FOR APPROVAL OF THE SALE OF ITS ASSETS TO**  
3                    **CONCHO WASTEWATER IMPROVEMENT DISTRICT AND TO CANCEL ITS**  
4                    **CERTIFICATE OF CONVENIENCE AND NECESSITY.**  
5                    **(Docket No. SW-02563A-14-0058)**

6                    On February 25, 2014, Livco Sewer Company ("Livco" or "Company") filed with the  
7                    Arizona Corporation Commission ("Commission") an application for approval of the  
8                    sale of its assets to the Concho Wastewater Improvement District ("CWID") and to  
9                    cancel its Certificate of Convenience and Necessity ("CC&N") to provide wastewater  
10                    treatment service in Arizona. The Commission's Utilities Division ("Staff") has not  
11                    yet made a recommendation regarding Livco's application, and the Commission is not  
12                    bound by the proposals made by Livco, Staff, or any intervenors. The Commission  
13                    will issue a decision regarding Livco's application following consideration of  
14                    testimony and evidence presented at an evidentiary hearing. Copies of the application  
15                    are available at Livco's offices [insert address] and the Commission's offices at 1200  
16                    West Washington, Phoenix, Arizona, for public inspection during regular business  
17                    hours and on the internet via the Commission website (www.azcc.gov) using the e-  
18                    docket function.

19                    The Commission will hold a hearing on this matter on **July 9, 2014, at 10:00 a.m.**, at the  
20                    Commission's offices, 1200 West Washington, Hearing Room No. 1, Phoenix, Arizona.  
21                    Public comments will be taken **on the first day** of the hearing. You may also file your  
22                    written comments electronically by going to the Commission's homepage at [www.azcc.gov](http://www.azcc.gov)  
23                    and clicking on the "Submit a Public Comment" button or by mailing a letter referencing  
24                    Docket Number SW-02563A-14-0058 to: Arizona Corporation Commission, Consumer  
25                    Services Section, 1200 West Washington, Phoenix, AZ 85007.

26                    The law provides for an open public hearing at which, under appropriate  
27                    circumstances, interested parties may intervene. Any person or entity entitled by law  
28                    to intervene and having a direct and substantial interest in the matter will be permitted  
29                    to intervene. If you would like to intervene, you must file a written motion to  
30                    intervene with the Commission, and you must send copies of the motion to the  
31                    Company or its counsel, and to all parties of record in the case. Your motion to  
32                    intervene must contain the following:

- 33                    1. Your name, address, and telephone number, and the name, address, and  
34                    telephone number of any party upon whom documents are to be served in  
35                    your place, if desired;
- 36                    2. A short statement of your interest in the proceeding (e.g., a customer of  
37                    the Company, a shareholder of the Company, etc.);
- 38                    3. A statement certifying that a copy of your motion to intervene has been  
39                    mailed to the Company or its counsel and to all parties of record in the  
40                    case; and
- 41                    4. If the proposed intervenor is not represented by an attorney who is an  
42                    active member of the Arizona State Bar, and is not an individual  
43                    representing himself or herself, information and any appropriate  
44                    documentation demonstrating the intervenor's compliance with Arizona  
45                    Supreme Court Rules 31, 38, and 42, as applicable.

46                    The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
47                    that all motions to intervene must be filed on or before **June 16, 2014**. For information

1 about requesting intervention, visit the Arizona Corporation Commission's webpage at  
2 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of  
3 intervention, among other things, entitles a party to present sworn evidence at hearing  
4 and to cross-examine other witnesses. However, failure to intervene will not preclude  
any customer from appearing at the hearing and making a statement on such customer's  
own behalf.

5 If you have any questions about this application, you may contact Livco at [**insert  
telephone number**]. If you wish to file written comments on the application or want  
6 further information on intervention you may contact the Consumer Services Section of  
7 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-  
8 7000.

9 The Commission does not discriminate on the basis of disability in admission to its  
10 public meetings. Persons with a disability may request a reasonable accommodation  
11 such as a sign language interpreter, as well as request this document in an alternative  
12 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail  
13 [SAbernal@azcc.gov](mailto:SAbernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as  
14 early as possible to allow time to arrange the accommodation.

15 **IT IS FURTHER ORDERED that Livco shall mail via First Class U.S. Mail** a copy of the  
16 above notice to its customers and shall cause the above notice to be published in a newspaper of  
17 general circulation in its service territory, with publication and mailing to be completed no later than  
18 **May 30, 2014.**

19 **IT IS FURTHER ORDERED that Livco shall file certification of mailing and publication**  
20 as soon as practicable after the mailing/publication has been completed, but not later than **June 13,**  
21 **2014.**

22 **IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and**  
23 publication of same, notwithstanding the failure of an individual property owner to read or receive  
24 the notice.

25 **IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before May 30, 2014.**

26 **IT IS FURTHER ORDERED that any objections to the Staff Report shall be filed on or**  
27 before **June 16, 2014.**

28 **IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-**  
105, except that all Motions to Intervene must be filed on or before **June 16, 2014.**

**IT IS FURTHER ORDERED that objections to any Motions to Intervene must be filed no**  
later than **June 27, 2014.**

**IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules**

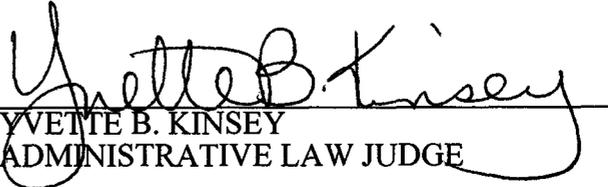
1 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

2 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
3 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
4 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
5 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
6 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
7 Law Judge or the Commission.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
9 Communications) applies to this proceeding, as this matter is now set for public hearing, and shall  
10 remain in effect until the Commission's Decision in this matter is final and non-appealable.

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

14 Dated this 20<sup>th</sup> day of April 2014.

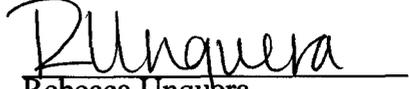
15  
16   
17 YVETTE B. KINSEY  
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered  
this 28<sup>th</sup> day of April, 2014 to:

20 Steve Wene  
21 MOYES SELLERS & HENDRICKS  
22 1850 North Central Ave., Suite 1100  
Phoenix, AZ 85004  
Attorney for Livco Sewer Company

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Court Reporting, Video and  
Videoconferencing  
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Phoenix, AZ 85006

23 Janice Alward, Chief Counsel  
24 Legal Division  
ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
Phoenix, AZ 85007

By:   
Rebecca Unquera  
Assistant to Yvette B. Kinsey

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