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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

- 3 BOB STUMP - Chairman
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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

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7 IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (LITCHFIELD PARK
8 WATER AND SEWER), CORP. FOR APPROVAL
OF AN EXTENSION OF ITS CERTIFICATE OF
9 CONVENIENCE AND NECESSITY FOR WATER
UTILITY SERVICE IN MARICOPA COUNTY,
10 ARIZONA.

DOCKET NO. W-01427A-14-0134

ORIGINAL

11 IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (LITCHFIELD PARK
12 WATER AND SEWER), CORP. FOR APPROVAL
OF AN EXTENSION OF ITS CERTIFICATE OF
13 CONVENIENCE AND NECESSITY TO PROVIDE
WASTEWATER UTILITY SERVICE IN
14 MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-01428A-14-0180

PROCEDURAL ORDER
(Sets Hearing)

15 **BY THE COMMISSION:**

16 On April 17, 2014, Liberty Utilities (Litchfield Park Water and Sewer), Corp. ("Liberty" or
17 "Company")¹ filed with the Arizona Corporation Commission ("Commission"), in Docket No. W-
18 01427A-14-0134, an application requesting that the Commission approve an extension of its current
19 Certificate of Convenience and Necessity ("CC&N") to provide water utility service to a new area
20 known as Marbella Ranch development in Maricopa County, Arizona ("Water Docket").

21 On May 2, 2014, Liberty filed, in the Water Docket, a Notice of Filing that included copies of
22 the written notice provided to all municipal managers within five (5) miles of the proposed extension
23 area.

24 On May 13, 2014, Liberty caused a letter to be docketed, in the Water Docket, stating Liberty
25 agreed with the Commission's Utilities Division ("Staff") to suspend the sufficiency review to allow
26 the Company to file its related application for an extension of its current wastewater CC&N, and

27 _____
28 ¹In 2013, Liberty changed its name from Litchfield Park Service Company dba Liberty Utilities to Liberty Utilities
(Litchfield Park Water & Sewer) Corp.

1 indicating a joint review by Staff of both the water and wastewater applications would be more
2 expeditious.

3 On May 19, 2014, Liberty filed, in the Water Docket, a Notice of Errata correcting errors in
4 its Legal Description and Master Water Report.

5 On June 3, 2014, Liberty filed with the Commission, in Docket No. SW-01428A-14-0180, an
6 application requesting that the Commission approve an extension of its current wastewater CC&N to
7 provide wastewater utility service to the same general area requested in its Water Docket
8 (“Wastewater Docket”).

9 On June 4, 2014, Liberty filed, in the Wastewater Docket, an Amended Application For
10 Extension of its wastewater CC&N.

11 On June 5, 2014, Liberty filed, in both the Water and Wastewater Dockets, a motion to
12 consolidate the above-captioned Dockets. Liberty stated that, by consolidating both proceedings,
13 resources would be better utilized as both dockets involve the extension of both its water and
14 wastewater CC&Ns to serve an area known as Marbella Ranch development.

15 On June 13, 2014, by Procedural Order, the Water and Wastewater Dockets were
16 consolidated.

17 On June 18, 2014, Valley Utilities Water Company, Inc. (“Valley”) filed an Application for
18 Leave to Intervene and Notice of Intent, stating it intended to file a competing Application for
19 Extension of Certificate of Convenience and Necessity to serve Marbella Ranch. No objections were
20 filed in opposition to Valley’s request for intervention

21 On June 30, 2014, by Procedural Order, Valley was granted intervention in these dockets.

22 On July 3, 2014, Staff filed a Sufficiency Letter in the consolidated docket, stating that
23 Liberty’s applications for extensions of its water and wastewater CC&Ns had met the sufficiency
24 requirements as outlined in the Arizona Administrative Code (“A.A.C.”).

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

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28

1 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
2 commence on **September 3, 2014, at 10:00 a.m.**, or as soon thereafter as is practicable, at the
3 Commission’s offices, 1200 West Washington, Hearing Room No. 2, Phoenix, Arizona 85007.

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

7 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF LIBERTY**
8 **UTILITIES (LITCHFIELD PARK WATER AND SEWER), CORP. FOR**
9 **APPROVAL OF AN EXTENSION OF ITS CERTIFICATE OF**
10 **CONVENIENCE AND NECESSITY TO PROVIDE WATER AND**
11 **WASTEWATER UTILITY SERVICE IN MARICOPA COUNTY, ARIZONA.**
12 **DOCKET NOS. W-01427A-14-0134 AND SW-01428A-14-0180**

13 On April 17, 2014, Liberty Utilities (Litchfield Park Water and Sewer), Corp.
14 (“Liberty” or “Company”) filed with the Arizona Corporation Commission
15 (“Commission”), in Docket No. W-01427A-14-0134, an application requesting that
16 the Commission approve an extension of its current Certificate of Convenience and
17 Necessity (“CC&N”) to provide water utility service to an area known as Marbella
18 Ranch in Maricopa County, Arizona (“Water Docket”). On June 3, 2014, Liberty filed
19 with the Commission, in Docket No. SW-01428A-14-0180, an application requesting
20 that the Commission approve an extension of its current wastewater CC&N to provide
21 wastewater utility service to Marbella Ranch (“Wastewater Docket”). On June 13,
22 2014, the matters were consolidated for purposes of hearing. The Commission’s
23 Utilities Division Staff (“Staff”) has not yet made a recommendation regarding the
24 application, and the Commission is not bound by the proposals made by Liberty, Staff,
25 or any intervenors. The Commission will issue a Decision regarding the applications
26 following consideration of testimony and evidence presented at an evidentiary hearing.
27 A copy of the applications are available at Liberty’s offices [insert addresses] and at
28 the Commission’s offices at 1200 West Washington Street, Phoenix, Arizona, for
public inspection during regular business hours, and on the internet via the
Commission website (www.azcc.gov) using the e-docket function.

22 The Commission will hold a hearing on the application on **September 3, 2014, at**
23 **10:00 a.m.**, at the Commission’s offices, in Hearing Room No. 2, 1200 West
24 Washington Street, Phoenix, Arizona. Public comments will be taken **on the first day**
25 of the hearing. You may also file your written comments electronically by going to
26 the Commission’s homepage at www.azcc.gov and clicking on the “Submit a Public
27 Comment” button or by mailing a letter referencing Docket Nos. W-01427A-14-0134
28 and SW-01428A-14-0180 to: Arizona Corporation Commission, Consumer Services
Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate
circumstances, interested parties may intervene. Any person or entity entitled by law
to intervene and having a direct and substantial interest in the matter will be permitted
to intervene. If you wish to intervene, you must file an original and 13 copies of a

1 written motion to intervene with the Commission no later than **August 13, 2014**, and
2 send a copy of the motion to Liberty or their counsel and to all parties of record. Your
3 motion to intervene must contain the following:

- 4 1. The name, address, and telephone number and the name, address,
5 and telephone number of any party upon whom service of
6 documents is to be made, if not yourself;
- 7 2. A short statement of your interest in the proceeding (e.g., a
8 customer of the Company etc.);
- 9 3. A statement certifying that you have mailed a copy of the motion to
10 intervene to Liberty or its counsel and to all parties of record in the
11 case; and
- 12 4. If the proposed intervenor is not represented by an attorney who is
13 an active member of the Arizona State Bar, and is not an individual
14 representing himself or herself, information and any appropriate
15 documentation demonstrating the intervenor's compliance with
16 Arizona Supreme Court Rules 31, 38, and 42, as applicable.

17 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
18 that all motions to intervene must be filed on or before **August 13, 2014**. For
19 information about requesting intervention, visit the Commission's website at
20 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of
21 intervention, among other things, entitles a party to present sworn evidence at hearing
22 and to cross-examine other witnesses. However, failure to intervene will not preclude
23 any interested person or entity from appearing at the hearing and providing public
24 comment on the applications or from filing written comments in the record of the case.

25 If you have any questions about these applications, you may contact Liberty at **[insert
26 telephone number]**. If you wish to file written comments on the applications or want
27 further information on intervention, you may contact the Consumer Services Section
28 of the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-
222-7000.

29 The Commission does not discriminate on the basis of disability in admission to its
30 public meetings. Persons with a disability may request a reasonable accommodation
31 such as a sign language interpreter, as well as request this document in an alternative
32 format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
33 Sbernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as
34 early as possible to allow time to arrange the accommodation.

35 IT IS FURTHER ORDERED that Liberty shall **mail** to all property owners in the proposed
36 extension areas a copy of the above notice and shall cause the above notice to be published at least
37 once in a newspaper of general circulation in the proposed extension areas, with **publication and
38 mailing** to be completed no later than **July 31, 2014**.

39 IT IS FURTHER ORDERED that Liberty shall **file certification of mailing and publication**
40 as soon as practicable after mailing/publication has been completed, but not later than **August 21,
41 2014**.

1 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication,
2 notwithstanding the failure of an individual property owner to read or receive the notice.

3 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits, available at the
4 time the Staff Report is filed, to be presented at hearing shall be reduced to writing and filed on or
5 before **August 8, 2014**.

6 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to
7 writing and filed on or before **August 27, 2014**.

8 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
9 except that all motions to intervene must be filed on or before **August 13, 2014**.

10 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on
11 or before **August 25, 2014**.

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

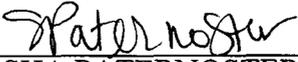
15 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
16 of the Arizona Supreme Court and A.R.S. §40-243 with respect to the practice of law and admission
17 *pro hac vice*.

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

24 ...
25 ...
26 ...
27 ...
28 ...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 10th day of July, 2014.

4
5
6 
7 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 10th day of July, 2014 to:

10 Patrick Black
11 FENNEMORE CRAIG, PC
12 2394 E. Camelback Road, Suite 600
13 Phoenix, AZ 85016
14 Attorney for Liberty Utilities

15 Robert J. Metli
16 MUNGER CHADWICK, P.L.C.
17 2398 E. Camelback Road, Suite 240
18 Phoenix, AZ 85016
19 Attorneys for Intervenor Valley Utilities Water Company

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

25 Steven M. Olea, Director
26 Utilities Division
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28 1200 West Washington Street
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25 By: 
26 Rebecca Unquera
27 Assistant to Sasha Paternoster
28