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**BEFORE THE ARIZONA CORPORATION
RECEIVED**

COMMISSIONERS

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

2014 JUL 15 P 1:52

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

JUL 15 2014

DOCKETED BY

DOCKET NO. WS-01303A-14-0010

IN THE MATTER OF THE APPLICATION OF
EPCOR WATER ARIZONA, INC., AN ARIZONA
CORPORATION, FOR A DETERMINATION OF
THE CURRENT FAIR VALUE OF ITS UTILITY
PLANT AND PROPERTY AND FOR INCREASES
IN ITS RATES AND CHARGES FOR UTILITY
SERVICE BY ITS MOHAVE WATER DISTRICT,
PARADISE VALLEY WATER DISTRICT, SUN
CITY WATER DISTRICT, TUBAC WATER
DISTRICT, AND MOHAVE WASTEWATER
DISTRICT.

ORIGINAL

PROCEDURAL ORDER

BY THE COMMISSION:

On March 10, 2014, EPCOR Water Arizona, Inc. ("EPCOR" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a determination of the fair value of its utility plant and property and for increases in its water and wastewater rates and charges for utility service by its Mohave Water District, Paradise Valley Water District, Sun City Water District, Tubac Water District, and Mohave Wastewater District.

On April 4, 2014, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency pursuant to Arizona Administrative Code ("A.A.C.") R14-2-103, and classified the Company as a Class A utility.

On April 25, 2014, Mr. Marshall Magruder filed a "Motion to Stay and Remand the Rate Case Filed by EPCOR, Inc., Due to Non-Compliance with a Corporation Commission Decision and the Arizona State Constitution." Responsive pleadings were subsequently filed by EPCOR and Mr. Magruder.

On June 2, 2014, a Procedural Order was issued granting Mr. Magruder's intervention request, denying his Motion to Stay and Remand the Rate Case, and granting a stipulated extension

1 request between EPCOR and the Residential Utility Consumer Office (“RUCO”) for EPCOR to
2 respond to a Motion to Compel filed by RUCO.¹

3 On June 4, 2014, an intervention request was filed in this docket. The filing was signed by
4 Rich Bohman, President of the Santa Cruz Valley Citizens Council (“SCVCC”).

5 Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be
6 represented before the Commission by a corporate officer, employee, or a member who is not an
7 active member of the state bar, if (1) the non-profit organization has specifically authorized the
8 officer, employee, or member to represent it in the particular matter; (2) such representation is not the
9 person’s primary duty to the non-profit organization, but is secondary or incidental to such person’s
10 duties relating to the management or operation of the non-profit organization; and (3) the person is
11 not receiving separate or additional compensation (other than reimbursement for costs) for such
12 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or
13 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay
14 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on
15 the other parties, or causing harm to the parties represented.

16 If SCVCC wishes Mr. Bohman or another qualified lay representative to represent it in lieu of
17 representation by counsel in this matter, SCVCC must docket specific authorization, such as a board
18 resolution, for a lay person meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to
19 represent it in this matter. Without such authorization, the Commission cannot, pursuant to Arizona
20 Supreme Court Rule 31(d)(28), allow Mr. Bohman or any other lay person to appear and represent
21 SCVCC in this proceeding.

22 On June 11, 2014, the Water Utility Association of Arizona (“WUAA”) filed an Application
23 for Leave to Intervene.

24 On June 23, 2014, Delman E. Eastes, a residential customer of EPCOR, filed a Motion to
25 Intervene.

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28 ¹ RUCO was granted intervention by Procedural Order issued April 28, 2014.

1 On June 24, 2014, a Motion to Intervene was filed by the Paradise Valley Country Club
2 (“PVCC”).²

3 On July 1, 2014, Sanctuary Camelback Mountain Resort & Spa, JW Marriott Camelback Inn,
4 and Omni Scottsdale Resort & Spa at Montelucia (collectively “Resorts”) filed a Petition to
5 Intervene.

6 IT IS THEREFORE ORDERED that **intervention is hereby granted to WUAA, Delman E.**
7 **Eastes, PVCC, and the Resorts.**

8 IT IS FURTHER ORDERED that **the intervention request of the SCVCC will be**
9 **considered once one of the following is filed in this docket: (1) specific authorization, such as a**
10 **board resolution, for Mr. Bohman or another specifically named lay person meeting the**
11 **requirements of Arizona Supreme Court Rule 31(d)(28) to represent SCVCC in this matter; or**
12 **(2) an intervention request filed by counsel representing SCVCC in this matter.**

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

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

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

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

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28 ² Although the filing was signed by Timothy C. Louis, President of PVCC, it lists William F. Bennett as Legal Counsel who is to be served with documents on behalf of PVCC.

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

4 DATED this 15th day of July, 2014.

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7 DWIGHT D. NODES
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed
10 this 15th day of July, 2014, to:

11 Jay Shapiro
12 FENNEMORE CRAIG, P.C.
13 2394 E. Camelback Road, Suite 600
14 Phoenix, AZ 85016
15 Attorneys for EPCOR Water Arizona, Inc.

16 Daniel W. Pozefsky
17 RUCO
18 1110 W. Washington St., Suite 220
19 Phoenix, AZ 85007

20 Marshall Magruder
21 P.O. Box 1267
22 Tubac, AZ 85646-1267

23 Rich Bohman, President
24 SANTA CRUZ VALLEY CITIZENS COUNCIL
25 P.O. Box 1501
26 Tubac, AZ 85646

27 Greg Patterson
28 WUAA
916 West Adams, Suite 3
Phoenix, AZ 85007

Delman E. Eastes
2042 E. Sandtrap Lane
Fort Mohave, AZ 86426

William F. Bennett, Legal Counsel
PARADISE VALLEY COUNTRY CLUB
7101 N. Tatum Boulevard
Paradise Valley, AZ 85253

1 Robert J. Metli
MUNGER CHADWICK, P.L.C.
2398 East Camelback Road, Suite 240
2 Phoenix, AZ 85016
3 Attorneys for Sanctuary Camelback Mountain Resort & Spa,
JW Marriott Camelback Inn, and Omni Scottsdale Resort & Spa
4 at Montelucia

5 Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
6 1200 W. Washington Street
Phoenix, Arizona 85007

7
8 Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
9 1200 W. Washington Street
Phoenix, Arizona 85007

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11 By: 
12 Tammy Velarde
Assistant to Dwight D. Nodes

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