

ORIGINAL



0000154737

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

JUL 17 2014

2014 JUL 17 P 3:31

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

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

DOCKET NO. W-01427A-14-0134

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

DOCKET NO. SW-01428A-14-0180

PROCEDURAL ORDER
(Schedules Procedural Conference)

BY THE COMMISSION:

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

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

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

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 On July 10, 2014, Valley filed its competing application in Docket No. W-01412A-14-0262,
26 which requests an extension of Valley’s water CC&N to provide service to the Marbella Ranch
27 development.

28

1 Also on July 10, 2014, a Procedural Order scheduled a hearing in this matter to commence on
2 September 3, 2014.

3 On July 15, 2014, Valley filed a Request for Procedural Conference to discuss potential
4 scheduling issues given the filing of their competing application.

5 IT IS THEREFORE ORDERED that a **procedural conference** shall be held on **July 24, 2014**
6 **at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's office, 1200 West
7 Washington Street, Hearing Room No. 2, Phoenix, Arizona, 85007.

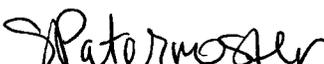
8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
9 Communications) applies to this proceeding as the matter is now set for public hearing, and shall
10 remain in effect until the Commission's Decision in this matter is final and non-appealable.

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

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

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

23 DATED this 17th day of July, 2014.

24
25
26 
27 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE
28

1 Copies of the foregoing mailed/delivered
this 17 day of July, 2014 to:

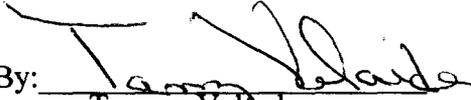
2 Patrick Black
3 FENNEMORE CRAIG, PC
4 2394 E. Camelback Road, Suite 600
5 Phoenix, AZ 85016
6 Attorney for Liberty Utilities

7 Robert J. Metli
8 MUNGER CHADWICK, P.L.C.
9 2398 E. Camelback Road, Suite 240
10 Phoenix, AZ 85016
11 Attorneys for Intervenor Valley Utilities Water Company

12 Janice Alward, Chief Counsel
13 Legal Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 Steven M. Olea, Director
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, AZ 85007

22 COASH & COASH, INC.
23 Court Reporting, Video and Videoconferencing
24 1802 North 7th Street
25 Phoenix, AZ 85006

26 By: 
27 Tammy Velarde
28 Assistant to Sasha Paternoster