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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS Arizona Corporation Commission

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DOCKETED BY

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

ORIGINAL

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
(Grants Telephonic Appearance)

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. See Decision No. 74437 (April 18, 2014).

1 indicating that 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 the Company’s water
14 and wastewater CC&Ns to serve the same 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 its CC&N to serve the Marbella Ranch development. No objections were filed in
20 opposition to Valley’s request for intervention

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

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

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

1 Also on July 10, 2014, a Procedural Order was issued scheduling a hearing in this matter to
2 commence on 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 On July 17, 2014, by Procedural Order, a procedural conference was scheduled for July 24,
6 2014.

7 On July 18, 2014, Valley filed a Motion to Appear Telephonically for the July 24, 2014
8 procedural conference stating that its counsel will be out of the state from July 23-25, 2014.

9 Accordingly, Valley's Motion should be granted. Further, the time-clock in this matter
10 should be suspended.

11 IT IS THEREFORE ORDERED that counsel for Valley Utilities Water Company, Inc. is
12 hereby authorized to appear telephonically at the July 24, 2014 procedural conference.

13 IT IS FURTHER ORDERED that the time-clock in this matter is suspended accordingly.
14

15 IT IS FURTHER ORDERED that on the date of and at least five minutes before the time set
16 for the hearing, Valley's counsel shall call 1 (800) 689-9374, passcode 415962#, from a landline
17 telephone, to participate telephonically in the procedural conference.

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

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

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
26 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation
27 to appear at all hearings, procedural conferences, Open Meetings for which the matter is scheduled
28

1 for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or Commission.

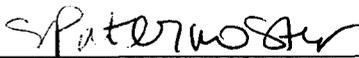
3 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
4 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
5 hearing.

6 DATED this 21st day of July, 2014.

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SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

10

11 Copies of the foregoing mailed/delivered
12 this 21st day of July, 2014 to:

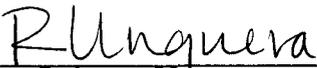
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