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**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

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

**ORIGINAL**

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IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, 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 BASED THEREON FOR UTILITY SERVICE BY ITS ANTHEM WATER DISTRICT AND ITS SUN CITY WATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission  
**DOCKETED**

AUG 18 2014

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF ARIZONA-AMERICAN WATER COMPANY, 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 BASED THEREON FOR UTILITY SERVICE BY ITS ANTHEM/AGUA FRIA WASTEWATER DISTRICT, ITS SUN CITY WASTEWATER DISTRICT AND ITS SUN CITY WEST WASTEWATER DISTRICT, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. SW-01303A-09-0343

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

**Docket Nos. W-01303A-09-0343 and SW-01303A-09-0343**

On July 2, 2009, Arizona-American Water Company ("Arizona-American" or "Company") filed with the Arizona Corporation Commission ("Commission") in the above-captioned dockets (the "09-0343 Docket") an application for rate increases for its Anthem Water District, Sun City Water

1 District, Anthem-Agua Fria Wastewater District, Sun City Wastewater District, and Sun City West  
2 Wastewater District.<sup>1</sup>

3 The hearing in this matter was bifurcated, with the first phase focusing on the revenue  
4 requirement requested by the Company for the various districts and second phase consisting of  
5 Commission consideration of rate design and rate consolidation issues. There was extensive public  
6 comment submitted in this case, both written and oral. The Commission adopted Decision No. 72047  
7 on January 6, 2011, setting new rates for the districts involved in the 09-0343 Docket.

8 Intervenors in this matter included the Residential Utility Consumer Office (“RUCO”),  
9 Camelback Inn, Sanctuary of Camelback Mountain, the Intercontinental Montelucia Resort and Spa,  
10 and the Scottsdale Cottonwoods Resort and Suites, the Town of Paradise Valley, the Anthem  
11 Community Council, the Sun City West Property Owners and Residents Association, the Water  
12 Utility Association of Arizona (“WUAA”), Anthem Golf and Country Club, Marshall Magruder,  
13 W.R. Hansen, Larry D. Woods, Philip H. Cook, DMB White Tank, and Mashie, LLC dba Corte Bella  
14 Golf Club.

15 An issue considered in the rate case in the 09-0343 Docket was whether to deconsolidate the  
16 Anthem-Agua Fria Wastewater district into two new separate districts: an Anthem Wastewater  
17 District and an Agua Fria Wastewater District. Decision No. 72047 left the Docket open for the sole  
18 purpose of considering the implementation of stand-alone revenue requirements and rate designs for  
19 separate Anthem Wastewater and Agua Fria Wastewater Districts, as agreed to in the settlement  
20 reached by the Company, Anthem, RUCO and Staff during the Open Meeting at which Decision No.  
21 72047 was considered.

22 While Decision No. 72047 approved an overall rate increase of 53.98 percent for all  
23 residential customers in the Company’s Anthem-Agua Fria Wastewater District, it made those rates  
24 interim, subject to change depending upon the Commission’s determination on a deconsolidation  
25 petition to be filed by the Company on April 1, 2011. In Decision No. 73227, the Commission found  
26 that deconsolidation of the Anthem-Agua Fria Wastewater District, as contained in the Company’s

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27 <sup>1</sup>On February 1, 2012, Arizona-American Water Company was acquired by EPCOR Water (USA), Inc.. The acquisition  
28 was approved by Commission Decision No. 72668 (November 17, 2011). EPCOR Water (USA), Inc. is now doing  
business as EPCOR Water Arizona, Inc. (“EPCOR”).

1 application, was in the public interest. The Commission adopted a deconsolidation rate plan  
2 proposed by Dan Neidlinger, a consultant for the Anthem Community Council. The plan provided  
3 for a phase-in of the rates over three years. Step 1 of the 3 step rate plan was to begin on January 1,  
4 2013; with Step 2 taking effect in January 2014, and Step 3 taking effect in January 2015.

5 In Decision No. 73837, the Commission clarified that the “Neidlinger rate plan” was to be  
6 used in light of deconsolidation; and the Winter Average Rate (“WAR”) Design approved in  
7 Decision No. 72047 was no longer intended to be implemented, because implementation of both  
8 deconsolidated rates and a WAR design would have been extremely confusing for customers and  
9 could have led to unanticipated results.

10 **Docket No. W-01303A-10-0448**

11 On November 13, 2010, Arizona-American filed an application for rate increases for its Agua  
12 Fria Water District, Havasu Water District and Mohave Water District (the “10-0448 Docket”).

13 Intervenors in the 10-0448 Docket included RUCO, the City of Surprise, WUAA, Sun City  
14 Grand Community Association (as class representative for 17 homeowners associations), EPCOR,  
15 Verrado Community Association, DMB White Tank LLC, and Corte Bella, as well as various  
16 individual customers.

17 In Decision No. 73145 (May 1, 2012), the Commission approved a Settlement Agreement in  
18 the 10-0448 Docket signed by EPCOR, Arizona-American, Staff, RUCO, Verrado, DMB, the City of  
19 Surprise, Corte Bella, Cross River Homeowners Association, WUAA and SCGCA on behalf of itself  
20 and the Class of Homeowners Associations. That Decision approved a 58 percent rate increase for the  
21 Agua Fria Water District, with the rate increases phased in over a three-year period. The Agreement  
22 provided for implementation of approximately 67 percent of the rate increase in year 1 beginning in  
23 July 2012; and 16 percent and 17 percent of the rate increase in years 2 and 3, respectively, with the  
24 last increase taking effect on July 1, 2014.

25 **Recent Decisions**

26 On July 30, 2014, the Commission issued Decision No. 74588 (in the 09-0343 Docket) and  
27 Decision No. 74589 (in the 10-0448 Docket). In those Decisions, the Commission indicated that it  
28 had received a significant number of customer complaints and petitions concerning EPCOR’s Agua

1 Fria District's rates and charges for water and wastewater service. The customers' complaints  
2 regarding the water and wastewater rates in Corte Bella, Cross River, Dos Rios and Coldwater Ranch  
3 relate primarily to the combined impacts of the Decisions discussed above.

4 As described in Decision Nos. 74588 and 74589, Staff recommended that EPCOR file a  
5 response to the customers' complaints by August 8, 2014, that addresses, at a minimum, the  
6 following items:

- 7 1. Response to the customer complaints and requests for relief.
- 8 2. Response to Staff's opinion that the Commission's examination of these matters should  
9 commence with rate design matters related to wastewater rates.
- 10 3. Discussion and analysis demonstrating the rate impacts of full consolidation of all  
11 districts, including a potential timeline for consolidation and whether phase in is  
12 warranted. Discussion and analysis should address when the circumstances in one district  
13 necessitate a substantive investment for new plant and/or infrastructure improvements, for  
14 only that district. This discussion should also address whether a rate case(s) would be  
15 warranted for consolidation of all districts.
- 16 4. Discussion and analysis as to whether consolidation is warranted, when there is no nexus  
17 between districts that do not share contiguous service territorial borders, weather  
18 conditions, urban or rural locations, farming factors and/or water supply needs.
- 19 5. Discussion and analysis demonstrating the rate impacts of full deconsolidation of all  
20 districts and systems, including a potential timeline for deconsolidation and whether phase  
21 in is warranted. This discussion should also address whether a rate case(s) would be  
22 warranted for deconsolidation.
- 23 6. Discussion and analysis demonstrating the rate impacts of reversing the deconsolidation of  
24 Anthem from the Agua Fria District, including a potential timeline for reversal and  
25 whether phase in is warranted. Discussion and analysis should include any and all  
26 implications to the settlement agreement in Docket Nos. W-01303A-09-0343 and SW-  
27 01303A-09-0343.

28

- 1 7. Discussion of any EPCOR identified potential alternative options and the options' rate
- 2 impacts on affected customers.
- 3 8. Any recent calculations by EPCOR, which have previously identified potential alternative
- 4 options, must be updated and must also add any new calculations if the next rate case
- 5 moves forward as scheduled.

6 In addition, Decision Nos. 74588 and 74589 directed the Hearing Division to issue a  
7 Procedural Order that schedules a procedural conference in both Dockets, within 7 to 10 calendar  
8 days after EPCOR's Response is filed, to discuss the further processing of these matters. As  
9 described in those Decisions, the matters to be addressed at the procedural conference include:

- 10 1. Who are the appropriate parties in these proceedings?
- 11 2. What are the type, extent and timing of notices that should be provided to EPCOR's
- 12 customers?
- 13 3. What is an appropriate schedule for intervention by interested persons and stakeholders?
- 14 4. What is an appropriate schedule for the submission of pre-filed testimony and dates for
- 15 hearing?

16 Decision Nos. 74588 and 74589 also pointed out that a possible result of the Commission's  
17 examination of these matters may involve Commission consideration of modification of previous  
18 decisions. As a result, those Decisions indicated that the procedural conference should also address  
19 whether prior decisions should be reopened, pursuant to Arizona Revised Statutes ("A.R.S.") §40-  
20 252, to provide notice and opportunity to be heard concerning the Commission's possible amendment  
21 of prior orders. The Decisions emphasized, however, that, at this time, no specific modification to  
22 any prior Decision was contemplated or recommended by Staff. In adopting Staff's  
23 recommendations, the Commission agreed that the extent of notice and opportunity to be heard  
24 should be a topic discussed at the procedural conference.

25 ...

26 ...

27 ...

1 **Recent Filings and Procedural Conference**

2 On August 7, 2014, separate Procedural Orders were issued in the 09-0343 and 10-0448  
3 Dockets scheduling a procedural conference for August 13, 2014, to discuss the matters set forth in  
4 Decision Nos. 74588 and 74589.

5 On August 8, 2014, EPCOR filed its Response to Decision Nos. 74588 and 74589.

6 On August 12, 2014, Anthem Community Council filed Preliminary Comments on EPCOR  
7 Water Company's Response to Commission Decisions. Anthem Community Council also filed a  
8 Motion to Stay Proceedings.

9 On August 13, 2014, EPCOR filed a copy of an email sent to the Commission with an  
10 electronic copy of its August 8, 2014 Response.

11 On August 13, 2014, the procedural conference was held as scheduled. At the procedural  
12 conference, the parties discussed a number of procedural issues including filing dates for testimony  
13 and possible hearing dates. The parties agreed that only the 09-0343 Docket should be used for  
14 processing the issues raised by Decision Nos. 74588 and 74589 because the Commission was  
15 addressing only wastewater rate issues in those Decisions, while the 10-0448 Docket involved only  
16 water systems. At the procedural conference, EPCOR was directed to work with Staff to develop a  
17 mutually agreeable customer notice to be sent to all wastewater customers.

18 On August 15, 2014, EPCOR filed a Notice of Filing Revised Form of Notice and Response  
19 to Procedural Schedule. In its filing, EPCOR attached a revised customer notice which it stated was  
20 agreed to between the Company and Staff. EPCOR also set forth a modified procedural schedule  
21 which it requested be adopted. That procedural schedule is as follows"

22	Company Direct Testimony	September 8, 2014
23	Staff and Intervenor Direct Testimony	October 6, 2014
24	Company Rebuttal Testimony	October 20, 2014
25	Staff and Intervenor Surrebuttal	November 4, 2014
26	Hearing	November 12, 2014
27		
28		

1 IT IS THEREFORE ORDERED that a hearing in this matter shall be scheduled to  
2 commence on November 12, 2014, at 10:00 a.m., at the offices of the Commission, 1200 West  
3 Washington Street, Phoenix, Arizona 85007, Hearing Room No. 1.

4 IT IS FURTHER ORDERED that EPCOR shall make arrangements to have daily  
5 transcripts prepared for this proceeding.

6 IT IS FURTHER ORDERED that EPCOR's direct testimony shall be filed by no later  
7 than September 8, 2014.

8 IT IS FURTHER ORDERED that Staff and Intervenor direct testimony shall be filed by  
9 no later than October 6, 2014.

10 IT IS FURTHER ORDERED that EPCOR's rebuttal testimony shall be filed by no later  
11 than October 20, 2014.

12 IT IS FURTHER ORDERED that Staff and Intervenor surrebuttal testimony shall be filed  
13 by no later than November 4, 2014.

14 IT IS FURTHER ORDERED that all filings shall be made by 4:00 p.m. on the date the  
15 filing is due.

16 IT IS FURTHER ORDERED that any objections to testimony or exhibits that have been pre-filed  
17 as of November 14, 2014, shall be made before or at the December 1, 2014, pre-hearing  
18 conference.

19 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which  
20 lists the issues discussed.

21 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to  
22 pre-filed testimony shall be reduced to writing and filed no later than five calendar days before the  
23 witness is scheduled to testify.

24 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the  
25 pre-filed testimony of each of their witnesses and shall file each summary at least two working days  
26 before the witness is scheduled to testify.

1 IT IS FURTHER ORDERED that copies of summaries shall be served upon the  
2 Administrative Law Judge, the Commissioners, and the Commissioners' aides as well as the parties  
3 of record.

4 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,  
5 except that **all motions to intervene must be filed on or before October 1, 2014.**

6 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and  
7 regulations of the Commission, except that until **November 4, 2014**, any objection to discovery  
8 requests shall be made within 7 calendar days of receipt<sup>2</sup> and responses to discovery requests shall be  
9 made within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made  
10 within 5 calendar days and responses shall be made within 7 calendar days. The response time may  
11 be extended by mutual agreement of the parties involved if the request requires an extensive  
12 compilation effort.

13 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a  
14 receiving party requests service to be made electronically, and the sending party has the technical  
15 capability to provide service electronically, service to that party shall be made electronically.

16 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel  
17 discovery, any party seeking resolution of a discovery dispute may telephonically contact the  
18 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery  
19 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and  
20 that the party making such a request shall forthwith contact all other parties to advise them of the  
21 hearing date and shall at the hearing provide a statement confirming that the other parties were  
22 contacted.<sup>3</sup>

23 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are  
24 not ruled upon by the Commission within 10 calendar days of the filing date of the motion shall be  
25 deemed denied.

26  
27 <sup>2</sup> The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. MST  
will be considered as received the next business day.

28 <sup>3</sup> The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before  
seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that any responses to motions shall be filed within five calendar  
2 days of the filing date of the motion.

3 IT IS FURTHER ORDERED that any replies shall be filed within five calendar days of the  
4 filing date of the response.

5 IT IS FURTHER ORDERED that **EPCOR shall provide public notice of the hearing** in this  
6 matter, in the following form and style, with the heading in no less than 18-point bold type and the  
7 body in no less than 10-point regular type:

8 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF EPCOR WATER**  
9 **ARIZONA, INC. OF A HEARING ON RATE**  
10 **CONSOLIDATION/DECONSOLIDATION PROPOSALS FOR POSSIBLE RATE**  
11 **CHANGES FOR UTILITY SERVICE IN ALL OF ITS ARIZONA**  
12 **WASTEWATER DISTRICTS.**  
13 **(DOCKET NOS. W-01303A-09-0343 AND SW-01303A-09-0343)**

12 **Summary**

13 In Decision No. 74588, the Arizona Corporation Commission (“Commission”) ordered EPCOR  
14 Water Arizona, Inc. (“EPCOR” or “Company”) to address the rate impacts of consolidation and  
15 deconsolidation of all the Company’s wastewater districts. As ordered by the Commission, the  
16 Company made that filing on August 8, 2014, in the above-referenced dockets. To allow for the  
17 consideration of consolidation/deconsolidation of the Company’s wastewater districts, a hearing will  
18 be held to address these matters. The rate design proposals set forth in the Company’s filing would  
19 require modifications to the Commission’s decisions that relate to wastewater (Decision Nos. 73837,  
20 73230, 73227, 73221 and 72047), pursuant to A.R.S. § 40-252. **A decision in this matter may  
21 impact the rates of every wastewater customer of the Company – either as an increase or  
22 decrease.** The Commission will determine the appropriate relief to be granted (if any) based on the  
23 evidence presented by the parties. **The Commission is not bound by the proposals made by  
24 Commission Staff, the Company, or any of the Intervenors.**

19 The Company’s direct testimony will be filed by September 8, 2014. Direct testimony from  
20 intervenors and the Commission’s Utilities Division (“Staff”) will be filed by October 6, 2014.  
21 Rebuttal testimony by EPCOR will be filed by October 20, 2014. Surrebuttal testimony by the  
22 Intervenors and Commission Staff, will be filed by November 4, 2014. The Commission will hold a  
23 hearing on this matter beginning November 12, 2014, at 10:00 a.m. in Hearing Room No. 1, at the  
24 Commission’s offices, 1200 W. Washington Street, Phoenix, Arizona 85007.

23 **Rate Consolidation/Deconsolidation**

24 Currently, the Company’s rates are unique for each of its Arizona wastewater districts. Alternatively,  
25 rate consolidation is the process of combining two or more districts for the purpose of averaging the  
26 differing rates into a single rate for comparable customers (i.e., residential customers). Therefore,  
27 under consolidation, instead of charging a different rate to customers in different wastewater districts,  
28 all comparable customers would pay the same rate. Deconsolidation would create additional  
wastewater districts based on additional geographic areas of service, and rates would be set based on  
the cost to serve each specific area.

...

1 **Full rate consolidation would combine the rate structures for all of the Company's wastewater**  
2 **districts (Agua Fria, Anthem, Mohave, Sun City, and Sun City West) into one rate structure.**  
3 The rates for the Mohave Wastewater District are currently the subject of a pending rate case (Docket  
4 No. WS-01303A-14-0010), which is scheduled for hearing on December 2, 2014. The Company's  
5 consolidation information (filed on August 8, 2014) includes the proposed revenue requirement for  
6 the Mohave Wastewater District in Docket No. WS-01303A-14-0010 in the consolidation proposal.  
7 Customers should be aware that full consolidation would result in the combination of the Mohave  
8 wastewater revenue requirement that would result from the pending rate case in Docket No. WS-  
9 01303A-14-0010 with the revenue requirements from each of the wastewater districts in Docket Nos.  
10 W-01303A-09-0343 and SW-01303A-09-0343.

11 **How You Can View or Obtain a Copy of the Company's August 8, 2014 Filing**

12 Copies of the Commission-ordered filing made by the Company are available from the following:

- 13 1. The offices of EPCOR Water Compay, Inc., 2355 W. Pinnacle Peak Road, Suite 300,  
14 Phoenix, AZ 85027;
- 15 2. The Company's website at [www.epcor.com](http://www.epcor.com);
- 16 3. The Commission's Docket Cotnrol Center, 1200 W. Washington Street, Phoenix, AZ, open  
17 for public inspection during regular business hours; and
- 18 4. The Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

19 **Arizona Corporation Commission Public Hearing Information**

20 The Commission will hold a hearing on this matter beginning **November 12, 2014, at 10:00 a.m.**, at  
21 the Commission's offices Hearing Room No. 1, 1200 West Washington Street, Phoenix, Arizona  
22 85007. Public comments will be taken on the first day of hearing.

23 Any interested person may participate in this matter by (1) providing written or oral public comment;  
24 or (2) filing for intervention and becoming a formal party to the proceeding.

25 **How to Make Public Comment**

26 Oral public comments will be taken on the first day of the hearing. Written public comments may be  
27 submitted by mailing a letter referencing **Docket Nos. W-01303A-09-0343 and SW-01303A-09-**  
28 **0343** to Arizona Corporation Commission, Consumer Services, 1200 W. Washington Street, Phoenix,  
Arizona 85007. You may also file your written comments electronically by going to the following  
link:

<http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm2013PDFEmail.pdf>

If you require assistance, you may contact the Commission's Consumer Services Section at 602-542-  
4251 or 1-800-222-7000.

If you do not intervene, you will receive no further notice of the proceedings in this docket.  
**However, all documents filed in this docket are available online** (usually within 24 hours after  
docketing) at the Commission's website [www.azcc.gov](http://www.azcc.gov) using the e-Docket function, located at the  
bottom of the website homepage. RSS feeds are also available through e-Docket.

**About Intervention**

You do not need to intervene if you want to appear at the hearing and provide public comment on this  
matter, or if you want to file written comments in the record of the case.

1 Any person or entity entitled by law to intervene and having a direct and substantial interest in the  
2 matter will be permitted to intervene. The granting of intervention entitles a party to present sworn  
3 evidence at hearing and to cross-examine other parties' witnesses. **If you wish to intervene, you**  
4 **must file an original and 13 copies of a written motion to intervene with the Commission's**  
5 **Docket Control Center no later than October 1, 2014, and send a copy of the motion to the**  
6 **Company or its counsel and to all parties of record.** Contact information for the Company and  
7 parties of record may be obtained using the Commission's e-Docket Function and Docket Nos. W-  
8 01303A-09-0343 and SW-01303A-09-0343.

9 Anyone who has already been granted intervention in Docket No. WS-01303A-14-0010 need not  
10 request intervention again in order to continue to participate in that case. However, intervenors in  
11 Docket No. WS-01301A-14-0010 who wish to participate in SW-01303A-09-0343 must request  
12 intervention in Docket No. SW-01303A-09-0343.

13 You do not need to intervene if you want to appear at the hearing only to provide public comment, of  
14 if you want to file written public comments in the record of the case.

15 Your motion to intervene must contain the following:

- 16 1. Your name, address, and telephone number, and the name, address, and telephone number of  
17 any person upon whom service of documents is to be made, if not yourself;
- 18 2. A short statement of your interest in the proceeding (e.g., a customer of the Company, a  
19 shareholder of the Company, etc.); and
- 20 3. A statement certifying that you have mailed a copy of the motion to intervene to the Company  
21 or its counsel and to all parties of record in the case.

22 The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all motions to  
23 intervene must be filed on or before October 1, 2014. For a sample intervention request form, go to  
24 <http://www.azcc.gov/divisions/utilities/FORMS/interven.pdf>. All parties must comply with Arizona  
25 Supreme Court Rules 31 and 38 and A.R.S. § 40-243 with respect to the practice of law.

26 **If you do intervene, and wish to present direct testimony and associated exhibits at the hearing,**  
27 **you must, on or before October 6, 2014: (1) reduce your direct testimony and associated**  
28 **exhibits to writing, (2) file the original and 13 copies with the Commission's Docket Control**  
**Center by 4:00 p.m., and (3) mail a copy to each party.**

29 **ADA/Equal Access Information**

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

35 IT IS FURTHER ORDERED that EPCOR shall mail to each of its customers in each  
36 affected district a copy of the above notice as a bill insert beginning no later than the first  
37 billing cycle in September 2014, and shall cause a copy of such notice to be published at least  
38

1 **once in a newspaper of general circulation in the service territory of each of the affected**  
2 **wastewater water districts, with publication to be completed no later than September 15, 2014.**

3 IT IS FURTHER ORDERED that EPCOR shall file certification of mailing and publication as  
4 soon as practical after the mailing and publication have been completed.

5 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
6 publication of same, notwithstanding the failure of an individual customer to read or receive the  
7 notice.

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

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

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

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

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

25 ...

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1 DATED this 18<sup>th</sup> day of August, 2014.

2  
3   
4 DWIGHT D. NODES  
5 ASSISTANT CHIEF ADMINISTRATIVE  
6 LAW JUDGE

7 Copies of the foregoing mailed/delivered  
8 this 18<sup>th</sup> day of August, 2014 to:

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10 Mr. Michael T. Hallam  
11 LEWIS AND ROCA LLP  
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14 Ms. Judith M. Dworkin  
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Tammy Velarde  
Assistant to Dwight D. Nodes

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20 (Service lists are combined from Docket Nos.  
21 W-01303A-09-0343, SW-01303A-09-0343  
and W-01303A-10-0448)