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BEFORE THE ARIZONA CORPORATION COMMISSION

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2014 SEP -2 A 10: 34

Arizona Corporation Commission

DOCKETED

SEP 2 2014

ARIZONA CORPORATION COMMISSION
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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 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

IN THE MATTER OF THE APPLICATION OF VALLEY UTILITIES WATER COMPANY, INC. FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. W-01412A-14-0262

PROCEDURAL ORDER
(Grants Extension)

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 regarding Liberty's water CC&N extension application on file with the Commission.

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 On May 13, 2014, Liberty caused a letter to be docketed, in the Water Docket, stating Liberty
2 agreed with the Commission's Utilities Division ("Staff") to suspend the sufficiency review to allow
3 the Company to file its related application for an extension of its current wastewater CC&N, and
4 indicating that a joint review by Staff of both the water and wastewater applications would be more
5 expeditious.

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

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

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

14 On June 5, 2014, Liberty filed, in both the Water and Wastewater Dockets, a motion to
15 consolidate both dockets. Liberty stated that, by consolidating both proceedings, resources would be
16 better utilized as both dockets involve the extension of both the Company's water and wastewater
17 CC&Ns to serve the same area known as Marbella Ranch development.

18 On June 13, 2014, by Procedural Order, the Water and Wastewater Dockets were
19 consolidated ("Consolidated Liberty Docket").

20 On June 18, 2014, Valley Utilities Water Company, Inc. ("Valley") filed an Application for
21 Leave to Intervene and Notice of Intent, stating it intended to file a competing application for
22 extension of its CC&N to serve the Marbella Ranch development. No objections were filed in
23 opposition to Valley's request for intervention.

24 On June 30, 2014, by Procedural Order, Valley was granted intervention in the Consolidated
25 Liberty Docket.

26 On July 3, 2014, Staff filed a Sufficiency Letter in the Consolidated Liberty Docket, stating
27 that Liberty's applications for extensions of its water and wastewater CC&Ns had met the sufficiency
28 requirements as outlined in the Arizona Administrative Code ("A.A.C.").

1 On July 10, 2014, Valley filed its competing application in Docket No. W-01412A-14-0262,
2 requesting an extension of Valley's water CC&N to provide service to the Marbella Ranch
3 development ("Valley Docket").

4 Also on July 10, 2014, a Procedural Order was issued scheduling a hearing in the
5 Consolidated Liberty Docket for September 3, 2014, and setting other procedural deadlines.

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

8 On July 17, 2014, by Procedural Order, a Procedural Conference was scheduled for July 24,
9 2014.

10 On July 18, 2014, Liberty filed a Notice of Filing that included copies of the written notice
11 provided to all municipal managers within five (5) miles of the proposed extension area regarding
12 Liberty's wastewater CC&N extension application on file with the Commission.

13 Also on July 18, 2014, Valley filed a Motion to Appear Telephonically for the July 24, 2014
14 procedural conference stating that its counsel would be out of the state from July 23-25, 2014. By
15 Procedural Order dated July 21, 2014, the Motion was granted.

16 On July 23, 2014, TRS 8, LLC ("TRS 8"), who is the developer for Marbella Ranch, filed
17 public comment indicating that TRS 8 requests water and sewer services from Liberty and that TRS 8
18 did not request water services from Valley.

19 On July 24, 2014, a Procedural Conference was held as scheduled to address potential
20 scheduling conflicts as a result of Valley's filing its competing application to serve the proposed
21 extension area. At the conference, Staff indicated consolidation of the matters was preferred so as
22 not to strain Staff's finite resources. Valley also sought to have the matters consolidated, but
23 believed it was premature to consolidate the dockets prior to its application being found sufficient.

24 On July 31, 2014, Staff filed a Sufficiency Letter in the Valley Docket, stating Valley's
25 application for an extension of its CC&N to provide water service had met the A.A.C. sufficiency
26 requirements.

27 On August 5, 2014, Valley filed, in the Consolidated Liberty Docket and the Valley Docket, a
28 motion to consolidate. Valley stated that the issues raised in each of the dockets are substantially the

1 same and no party would be prejudiced by consolidation.

2 On August 7, 2014, by Procedural Order, the Consolidated Liberty Docket and the Valley
3 Docket were consolidated (“Consolidated Docket”). The Procedural Order reset the procedural
4 schedule on these consolidated matters, setting the hearing for September 24, 2014 and other
5 procedural deadlines.

6 On August 12, 2014, a Procedural Order was issued resetting publication and mailing
7 deadlines for Liberty.

8 On August 22, 2014, Valley filed a copy of its Franchise Agreement Between Valley Utilities
9 Water Company, Inc. and Maricopa County. Also on this date, Valley filed its Affidavits of Mailing
10 and Publication of Public Notice.

11 On August 29, 2014, Staff filed its Request for an Extension of Time to File Staff Report.
12 Staff requests an extension of the time deadline from August 29, 2014 to September 5, 2014 to file
13 the Staff Report. Staff’s request states they have consulted with counsel for both Liberty and Valley
14 and neither have an objection to the extension.

15 IT IS THEREFORE ORDERED that the **Staff’s request for an extension of time, from**
16 **August 29, 2014 to September 5, 2014**, to file the Staff Report is hereby granted.

17 IT IS FURTHER ORDERED that the remainder of the procedural schedule set forth in the
18 August 7, 2014 Procedural Order shall remain intact.

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

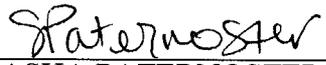
22 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
23 of the Arizona Supreme Court and A.R.S. §40-243 with respect to the practice of law and admission
24 *pro hac vice*.

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

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 2nd day of September, 2014.

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9 _____
10 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 2nd day of September, 2014 to:

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