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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

SEP 3 2014

2014 SEP -3 P 3:07

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY 

7 IN THE MATTER OF THE APPLICATION OF
8 HOPEVILLE WATER COMPANY, INC. D/B/A
9 ALLENVILLE WATER COMPANY FOR
10 APPROVAL TO SELL ITS WATER SYSTEM
ASSETS TO THE TOWN OF BUCKEYE AND
TO CANCEL ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02077A-12-0493

ORIGINAL

PROCEDURAL ORDER
(Schedules Hearing)

11 **BY THE COMMISSION:**

12 On December 17, 2012, Hopeville Water Company dba Allenville Water Company
13 ("Hopeville" or "Company") filed with the Arizona Corporation Commission ("Commission") an
14 application for approval of the sale and transfer of its water system assets to the Town of Buckeye
15 ("Town") and to cancel Hopeville's Certificate of Convenience and Necessity ("CC&N") to provide
16 water utility services in the Town of Hopeville.

17 On January 7, 2013, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in
18 this docket stating that Hopeville's application had met the sufficiency requirements as outlined in
19 the Arizona Administrative Code ("A.A.C.").

20 On February 11, 2013, by Procedural Order, the matter was set for hearing to begin on April
21 16, 2013, and intervention was granted to: Alvin Cobbin; Holly Brown; Sharon K. Caldwell; LaFurn
22 Garland; La Toya Cooper; Maria Estrada; Martha Castro; Georgia L. Land; Albert Williams; Izola
23 Brown; Elanore Guy; Ruby Cooper; Olivia Piper; Jim Brown; Wilbur Brown; Anola Hubbert; Erica
24 Gonzales; Arie Gonzales; Cynthia Bell; Angela Gonzales; Francisco Gonzales; Sergio Munoz;
25 Jennifer Van Acker; and Ellen Berry.

26 On February 13, 2013, a Motion to Intervene was filed by The Concerned Citizens Group of
27 Hopeville, AZ ("Concerned Citizens") and signed by James Brown, Jr., as representative ("February
28 13, 2013 Motion").

1 On February 21, 2013, by Procedural Order, a procedural conference was scheduled to
2 discuss who Concerned Citizens intended to represent and whether Concerned Citizens met the
3 requirements set forth in Arizona Supreme Court Rule 31.

4 On March 5, 2013, a procedural conference was held as scheduled. Staff and the Company
5 appeared through counsel. Mr. James Brown, Jr. appeared as a representative of Concerned Citizens.
6 During the procedural conference, Mr. Brown stated that Concerned Citizens is neither a legal entity,
7 nor registered as non-profit organization, but that Concerned Citizens is comprised of customers of
8 the Company who are concerned about the sale of assets to the Town. Mr. Brown was informed that
9 ten of the individuals who signed the February 13, 2013, Motion had been previously granted
10 intervention in this matter.

11 On March 8, 2013, the Staff Report was filed in this matter and Staff recommended approval
12 of the application with conditions.

13 On March 21, 2013, Matilda Lee White filed a Motion to Intervene, stating she is a property
14 owner in Hopeville and a customer of the water company.

15 On March 22, 2013, Hopeville filed an Affidavit of Publication and Mailing, stating that
16 notice of the application and hearing date had been mailed via First Class U.S. Mail to customers of
17 Hopeville and that notice had been published in the *Buckeye Valley News*, a weekly newspaper of
18 general circulation in Buckeye, Arizona, on March 7, 2013.

19 On April 9, 2013, intervention was granted to: Robert Land; Carolyn Land; Frederic Orozco;
20 Cristina Orozco; Oliver Caldwell; Brice Caldwell; Larry Bell; and Matilda Lee White.

21 On April 9, 2013, Mr. Alvin Cobbin, intervenor, filed a Motion to Postpone the April 16,
22 2013, hearing.

23 On April 15, 2013, Hopeville filed its response to the Motion to Postpone Hearing.

24 On April 16, 2013, a full public hearing was convened as scheduled before a duly authorized
25 Administrative Law Judge of the Commission. Hopeville and Staff appeared through counsel. Mr.
26 Alvin Cobbin, intervenor, appeared on his own behalf as well as other intervenors. During the
27 hearing, Mr. Cobbin's Motion to Postpone the hearing was discussed. Mr. Cobbin informed the
28 Commission that the Concerned Citizens had filed a lawsuit against Hopeville in Maricopa County

1 Superior Court and that a hearing was scheduled to be held in Superior Court on April 29, 2013.
2 After hearing arguments from Hopeville, intervenors, and Staff, the motion to postpone the hearing
3 was granted and public comment was taken. At the conclusion of the public comment hearing,
4 Hopeville was instructed to file, within 45 days of the hearing, a notice updating the Commission on
5 the lawsuit filed by the Concerned Citizens of Hopeville against Hopeville Water Company in
6 Superior Court.

7 On May 9, 2013, Hopeville docketed a Notice of Filing, stating that a hearing was held on
8 April 29, 2013, in the Superior Court lawsuit; that Mr. Cobbin was granted leave to amend his
9 Complaint; and that a follow up hearing was scheduled for June 18, 2013.

10 On July 16, 2013, by Procedural Order, a procedural conference was scheduled to be held on
11 August 8, 2013, to discuss the status of the Superior Court case as well as to establish a procedural
12 schedule for this matter.

13 On August 6, 2013, Gerado Ivan Hannel entered an appearance for Concerned Citizens in this
14 matter and a filed Motion to Continue Procedural Conference due to a scheduling conflict.

15 On August 8, 2013, the procedural conference was held as scheduled. The Town, the
16 Company, and Staff appeared through counsel. During the procedural conference the Concerned
17 Citizens' motion to stay the proceeding was granted. Further, the time clock was suspended.

18 On August 14, 2014, Hopeville docketed a Notice of Filing: Request for Expedited Hearing
19 stating that on July 14, 2014, the Superior Court dismissed the case between Hopeville and the
20 Concerned Citizens, as the parties had reached a settlement.

21 On July 19, 2014, by Procedural Order, a procedural conference was scheduled for August 27,
22 2014, to discuss a procedural schedule for this matter.

23 On August 27, 2014, the procedural conference was held as scheduled. Staff and the
24 Company appeared through counsel. A representative was present on behalf of the Town. Counsel
25 for the Concerned Citizens was not present due to a family emergency. During the procedural
26 conference the parties discussed possible hearing dates. The parties were informed that the hearing
27 would be scheduled for September 22, 2014, and that any objections to the proposed hearing date
28 should be filed as soon as possible in this docket.

1 Accordingly, it is appropriate to set this matter for hearing.

2 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall be
3 held on September 22, 2014, commencing at 10:00 a.m., or as soon thereafter as is practicable,
4 at the Commission's offices, Hearing Room No. 2, 1200 West Washington, Phoenix, Arizona
5 85007.

6 IT IS FURTHER ORDERED that any objections to the hearing date shall be filed on or
7 before September 12, 2014.

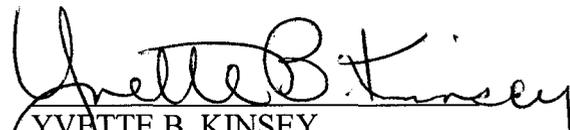
8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
9 Communications) continues to apply to this proceeding and shall remain in effect until the
10 Commission's Decision in this matter is final and non-appealable.

11 IT IS FURTHER ORDERED that the timeclock in this matter remains suspended.

12 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court
13 Rules 31, 38, and 42 A.R.S. §40-243 with respect to the practice of law and admission *pro hac*
14 *vice*.

15 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
16 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

17 DATED this 3rd day of September, 2014.

18 
19 YVETTE B. KINSEY
20 ADMINISTRATIVE LAW JUDGE

21
22 Copies of the foregoing mailed
this 3rd day of September, 2014 to:

23 Abraham Harris III
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26 William Lally
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