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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

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DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
HOPEVILLE WATER COMPANY, INC. D/B/A
ALLENVILLE WATER COMPANY FOR
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

BY THE COMMISSION:

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

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

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

On February 13, 2013, a Motion to Intervene was filed by The Concerned Citizens Group of Hopeville, AZ ("Concerned Citizens") and signed by James Brown, Jr., as representative ("February 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 August 19, 2014, by Procedural Order, a procedural conference was scheduled for August
22 27, 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 City. Counsel for
25 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 On September 22, 2014, a hearing was convened as scheduled. Hopeville, Concerned
2 Citizens, and Staff appeared through counsel. A representative for the City was also in appearance.
3 No members of the public provided comments on the application. During the hearing, testimony was
4 taken regarding the Settlement Agreement that had been reached with the City of Buckeye,
5 Hopeville, and the Concerned Citizens. The testimony stated that were remaining signatures that
6 were needed before the Settlement Agreement could be fully executed. Hopeville was informed that
7 a copy of the fully executed Settlement Agreement would need to be filed before a Recommended
8 Opinion and Order (“ROO”) would be issued for the Commissioner’s consideration.

9 On October 2, 2014, Hopeville docketed a Notice of Filing: Status Update of Executed
10 Settlement Agreement and Notice of Filing: Request to Waive 10 Day Exception Period (“Notice”).
11 The Notice states that as of the date of its filing, the parties had obtained all but five of the signatures
12 needed to execute the Settlement Agreement.

13 Accordingly, Hopeville shall docket the fully executed Settlement Agreement as soon as
14 possible, so that a Recommended Opinion and Order can be issued for the Commissioner’s
15 consideration at a future Open Meeting.

16 **IT IS THEREFORE ORDERED that Hopeville Water Company, Inc., dba Allenville**
17 **Water Company shall docket as soon as possible the fully executed Settlement Agreement, so**
18 **that a Recommended Opinion and Order can be issued for the Commissioner’s consideration**
19 **at a future Open Meeting.**

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

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

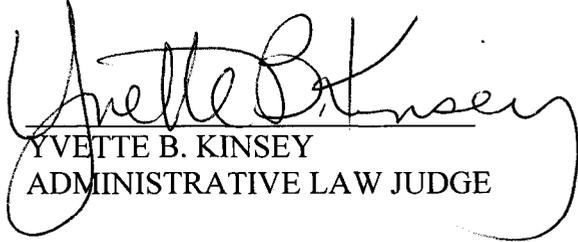
24 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court
25 Rules 31, 38, and 42 A.R.S. §40-243 with respect to the practice of law and admission *pro hac*
26 *vice*.

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28 ...

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

3 DATED this 3rd day of October, 2014.

4 
5 YVETTE B. KINSEY
6 ADMINISTRATIVE LAW JUDGE

7
8 Copies of the foregoing mailed
9 this 3rd day of October, 2014 to:

9 Abraham Harris III
10 HOPEVILLE WATER COMPANY
11 1415 South Palo Verde Road
12 Phoenix, AZ 85326

Sharon Kay Caldwell
28928 West Pima Street
Buckeye, AZ 85326

11 William Lally
12 TIFFANY & BOSCO, PA
13 Seventh Floor Camelback Esplanade II
14 2525 E. Camelback Rd.
15 Phoenix, AZ 85016
16 Attorneys for Hopeville Water Company

LaFurn Garland
28912 West Cocopah Street
Buckeye, AZ 85326

15 Stephen Cleveland, Town Manager
16 CITY OF BUCKEYE
17 530 Monroe Avenue
18 Buckeye, AZ 85326

La Toya Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

18 Scott W. Ruby
19 Frank Tomkins
20 GUST ROSENFELD, PLC
21 One West Washington Street, Suite 1600
22 Phoenix, AZ 85004
23 Attorneys for City of Buckeye

Maria Estrada
1202 South 290th Drive, No. 42
Buckeye, AZ 85326

21 Gerardo Ivan Hannel
22 GERARDO IVAN HANNEL, PLLC
23 2942 N. 24th St., Suite 114-721
24 Phoenix, AZ 85016
25 Attorneys for Concerned Citizens

Martha Castro
28921 West Pima Street
Buckeye, AZ 85326

24 Alvin Cobbin
25 7418 West Wood Street
26 Phoenix, AZ 85043

Georgia L. Land
1203 South 290th Drive, #40
Buckeye, AZ 85326

26 Holly Brown
27 9519 West Miami
28 Tolleson, AZ 85353

Albert Williams
1215 South 290th Drive, #49
Buckeye, AZ 85326

Izola Brown
PO Box 1142
Buckeye, AZ 85326

Elanore Guy
28901 West Pima Street
Buckeye, AZ 85326

Ruby Cooper
29010 West Cocopah Street
Buckeye, AZ 85326

1 Olivia Piper
28917 W. Pima St.
2 Hopeville, AZ 85326

Angela Gonzales
28913 West Pima Street
Buckeye, AZ 85326

3 Jim Brown
2995 North Point Ridge Road
4 Buckeye, AZ 85369

Francisco J. Gonzales
28912 West Pima Street
Buckeye, AZ 85326

5 Wilbur Brown
4410 North 99th Ave., #2163
6 Phoenix, AZ 85037

Sergio Munoz
28926 West Cocopah Street
Buckeye, AZ 85326

7 Anola Hubbert
15735 West Verde Lane
8 Goodyear, AZ 85395

Jennifer Van Acker
28907 West Pima Street
Buckeye, AZ 85326

9 Erica Gonzales
28922 West Cocopah Street
10 Buckeye, AZ 85326

Ellen Berry
203 Jackson Avenue
Buckeye, AZ 85326

11 Arie Gonzales
28922 West Cocopah Street
12 Buckeye, AZ 85326

Robert and Carolyn Land
22807 W. Ashleigh Marie Dr.
Buckeye, AZ 85326

13 Cynthia Bell
1202 South 289th Drive, #52
14 Buckeye, AZ 85326

Federic and Cristina Orozco
28913 W. Cocopah
Buckeye, AZ 85326

15 Oliver and Brice Caldwell
28925 W. Pima
16 Buckeye, AZ 85326

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

17 Larry Bell
1202 S. 289 Dr., #32
18 Buckeye, AZ 85326

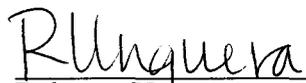
Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

19 Matilda Lee White
4906 Fairgreen Lane
20 Houston, TX 77048

21

22

23 By:


Rebecca Unquera
Assistant to Yvette B. Kinsey

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25

26

27

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