



0000157061

Arizona Corporation Commission

Steve Wene, State Bar No. 019630 **DOCKETED**

MOYES SELLERS & HENDRICKS

1850 N. Central Ave., Suite 1100

Phoenix, Arizona 85004

Telephone: 602-604-2141

swene@lawms.com

Attorneys for Truxton Canyon Water Company

OCT 28 2014

RECEIVED

2014 OCT 28 P 4: 35

DOCKETED BY

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

ORIGINAL

IN THE MATTER OF THE
COMMISSION ON ITS OWN MOTION
INVESTIGATING THE FAILURE OF
TRUXTON CANYON WATER
COMPANY TO COMPLY WITH
COMMISSION RULES AND
REGULATIONS.

DOCKET NO. W-02168A-10-0247

**MOTION TO EXTEND DEADLINE TO
FILE EXCEPTIONS AND RESCHEDULE
HEARING**

Pursuant to Ariz. Admin. Code Rule R. 14-3-106, Truxton Canyon Water

Company, Inc. ("Truxton") hereby moves to extend its deadline to file exceptions to the

Recommended Opinion and Order in this matter from October 30, 2014 to November 17,

2014 and hear this matter on December 11, 2014. The reasons for this motion are set

forth below.

Reasons for Extensions

On October 21, 2014, the administrative law judge issued two recommendations
affecting Truxton. One recommendation related to the order to show cause docket (W-
02168A-10-0247) and the other related to the rate and finance docket (W-02168A-11-
0363, W-02168A-13-0309, W-02168A-13-0332). These recommendations are very

1 lengthy, address numerous allegations, and rule against Truxton in nearly every way.
2 The order to show cause recommendation contains 137 background and ordering
3 paragraphs. Meanwhile, the rate and finance recommendation contains 221 background
4 and ordering paragraphs. Moreover, the net effect of these recommendations, if adopted,
5 would take Truxton away from its owner.
6

7 As it stands, Truxton is being given only nine calendar days to protect its rights in
8 these complex matters. These nine calendar days include mailing time as well as two
9 weekend days. This is simply not enough time to address the recommendations. To add
10 perspective, these matters are so complicated it took over two years to write the order to
11 show cause recommendation and over seven months to write the rate and finance
12 recommendation. Providing Truxton with only a handful of business days to address
13 such complex matters would be a violation of due process. Therefore, extending the
14 exception deadline to November 17, 2014 is reasonable.
15

16 In addition to needing more time to address the issues, Truxton's principal
17 manager cannot attend the hearing on November 5 or 6, 2014. As the Commission
18 knows, Rick Neal has been managing Truxton as well as running his own construction
19 business. On November 5 and 6, Mr. Neal has a prior commitment to meet a client
20 relating to the construction of a commercial facility. Further, Truxton's principal
21 attorney has a hearing in the *Gila River Adjudication* on November 6, 2014. Scheduled
22 since June, this hearing relates to the determination of subflow, which is a significant
23 issue affecting numerous clients that has been litigated for decades and preparation will
24
25

1 take a substantial amount of time. Therefore, counsel will not be able to adequately
2 prepare for any Truxton matter scheduled on either November 5 or 6, 2014.

3 Truxton has contacted Staff and informed Staff of the proposed extension. Staff
4 will presumably file a response to the motion.
5

6 RESPECTFULLY SUBMITTED this 28th day of October, 2014.

7 **MOYES SELLERS & HENDRICKS**

8
9 

10 Steve Wene
11 Attorneys for Truxton Canyon Water Company

12 Original and 13 copies of the foregoing
13 filed this 28th day of October, 2014, with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 West Washington
17 Phoenix, Arizona 85007

18 Copy of the foregoing mailed this
19 28th day of October, 2014, to:

20 Charles Hains
21 Legal Division
22 Arizona Corporation Commission
23 1200 W. Washington Street
24 Phoenix, Arizona 85007

25 