

OPEN MEETING AGENDA ITEM



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2014 OCT 28 P 4: 35

CORP COMMISSION  
DOCKET CONTROL

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

9 BOB STUMP, CHAIRMAN  
10 GARY PIERCE  
11 BRENDA BURNS  
12 SUSAN BITTER SMITH  
13 BOB BURNS

Arizona Corporation Commission

DOCKETED

OCT 28 2014

DOCKETED BY

14 IN THE MATTER OF THE APPLICATION  
15 OF TRUXTON CANYON WATER  
16 COMPANY, INC. FOR APPROVAL OF A  
17 RATE INCREASE.

DOCKET NO. W-02168A-11-0363

18 IN THE MATTER OF THE APPLICATION  
19 OF TRUXTON CANYON WATER  
20 COMPANY, INC. FOR APPROVAL OF A  
21 REVISION OF THE COMPANY'S  
22 EXISTING TERMS AND CONDITIONS OF  
23 WATER SERVICE.

DOCKET NO. W-02168A-13-0309

24 IN THE MATTER OF THE APPLICATION  
25 OF TRUXTON CANYON WATER  
26 COMPANY, INC. FOR AUTHORITY TO  
27 INCUR LONG-TERM DEBT.

DOCKET NO. W-02168A-13-0332

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

28 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

1 Recommended Opinion and Order in this matter from October 30, 2014 to November 17,  
2 2014 and hear this matter on December 11, 2014. The reasons for this motion are set  
3 forth below.  
4

5 **Reasons for Extensions**

6 On October 21, 2014, the administrative law judge issued two recommendations  
7 affecting Truxton. One recommendation related to the order to show cause docket (W-  
8 02168A-10-0247) and the other related to the rate and finance docket (W-02168A-11-  
9 0363, W-02168A-13-0309, W-02168A-13-0332). These recommendations are very  
10 lengthy, address numerous allegations, and rule against Truxton in nearly every way.  
11 The order to show cause recommendation contains 137 background and ordering  
12 paragraphs. Meanwhile, the rate and finance recommendation contains 221 background  
13 and ordering paragraphs. Moreover, the net effect of these recommendations, if adopted,  
14 would take Truxton away from its owner.  
15  
16  
17

18 As it stands, Truxton is being given only nine calendar days to protect its rights in  
19 these complex matters. These nine calendar days include mailing time as well as two  
20 weekend days. This is simply not enough time to address the recommendations. To add  
21 perspective, these matters are so complicated it took over two years to write the order to  
22 show cause recommendation and over seven months to write the rate and finance  
23 recommendation. Providing Truxton with only a handful of business days to address  
24 such complex matters would be a violation of due process. Therefore, extending the  
25 exception deadline to November 17, 2014 is reasonable.  
26  
27  
28

In addition to needing more time to address the issues, Truxton's principal

1 manager cannot attend the hearing on November 5 or 6, 2014. As the Commission  
2 knows, Rick Neal has been managing Truxton as well as running his own construction  
3 business. On November 5 and 6, Mr. Neal has a prior commitment to meet a client  
4 relating to the construction of a commercial facility. Further, Truxton's principal  
5 attorney has a hearing in the *Gila River Adjudication* on November 6, 2014. Scheduled  
6 since June, this hearing relates to the determination of subflow, which is a significant  
7 issue affecting numerous clients that has been litigated for decades and preparation will  
8 take a substantial amount of time. Therefore, counsel will not be able to adequately  
9 prepare for any Truxton matter scheduled on either November 5 or 6, 2014.  
10  
11  
12

13 Truxton has contacted Staff and informed Staff of the proposed extension. Staff  
14 will presumably file a response to the motion.  
15

16 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of October, 2014.

17 **MOYES SELLERS & HENDRICKS LTD.**

18 

19 Steve Wene  
20 Attorneys for Truxton Canyon Water  
21 Company, Inc.

22 Original and thirteen (13) copies  
23 of the foregoing filed this  
24 28<sup>th</sup> day of October 2014 with:

25 Docket Control  
26 Arizona Corporation Commission  
27 1200 West Washington Street  
28 Phoenix, Arizona 85007

Copy of this foregoing mailed this  
28<sup>th</sup> day of October 2014 with:

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*Donnelly Herbert*