



0000157181

**BEFORE THE ARIZONA CORPORATIC**

**RECEIVED**

**BOB STUMP**  
Chairman

2014 OCT 30 A 11: 38

**GARY PIERCE**  
Commissioner

ARIZONA CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

**BRENDA BURNS**  
Commissioner

OCT 30 2014

**BOB BURNS**  
Commissioner

**ORIGINAL**

DOCKETED BY

**SUSAN BITTER SMITH**  
Commissioner

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

1020 State Street  
Santa Barbara, CA 93101-2711

10 IN THE MATTER OF THE APPLICATION  
11 OF ARIZONA-AMERICAN WATER  
12 COMPANY, AN ARIZONA  
13 CORPORATION, FOR A  
14 DETERMINATION OF THE CURRENT  
15 FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM WATER DISTRICT AND ITS  
SUN CITY WATER DISTRICT

DOCKET NO. W-01303A-09-0343

16 IN THE MATTER OF THE APPLICATION  
17 OF ARIZONA-AMERICAN WATER  
18 COMPANY, AN ARIZONA  
19 CORPORATION, FOR A  
20 DETERMINATION OF THE CURRENT  
21 FAIR VALUE OF ITS UTILITY PLANT  
22 AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM/AGUA FRIA WASTEWATER  
DISTRICT, ITS SUN CITY WASTEWATER  
DISTRICT AND ITS SUN CITY WEST  
WASTEWATER DISTRICT

DOCKET NO. SW-01303A-09-0343

**MOTION TO ASSOCIATE COUNSEL PRO HAC VICE**

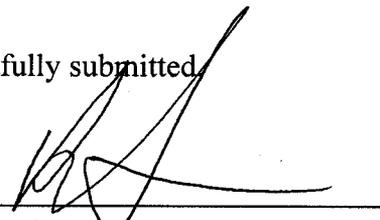
Robert J. Saperstein, local counsel for proposed Intervenor, Anthem Golf and Country Club, hereby moves the Commission for an order approving the association of Bradley J. Herrema, Esq., *pro hac vice*, in the above-captioned proceedings, pursuant to Rule of the Arizona Supreme Court 38(a). This motion is supported by the attached (1) original verified Application

1 for Appearance Pro Hac Vice; (2) Mr. Herrema's original certificates of good standing with the  
2 State Bars of California and Nevada; and, (3) the State Bar of Arizona's "Notice of Receipt of  
3 Complete Application." A proposed order granting this motion is attached hereto as attachment  
4 (4).

5 Mr. Herrema was previously granted association *pro hac vice* in this matter, pursuant to a  
6 March 18, 2010 order, attached hereto as attachment (5). This was allowed to lapse when it  
7 appeared these dockets would be closed, but the Club wishes to continue his representation in the  
8 present proceedings.

9  
10 DATED: October 29, 2014

Respectfully submitted,

11  
12 By: 

13 Robert J. Saperstein  
14 Brownstein Hyatt Farber Schreck, LLP  
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1 ORIGINAL and thirteen (13) copies filed  
2 this 30<sup>th</sup> day of October, 2014, with:

3 Docket Control  
4 ARIZONA CORPORATION COMMISSION  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY hand-delivered this 30<sup>th</sup> day  
8 of October, 2014, to:

9 Lyn Farmer, Chief Administrative Law Judge  
10 Hearing Division  
11 ARIZONA CORPORATION COMMISSION  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Steve Olea, Director  
15 Utilities Division  
16 ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 Janice M. Alward, Chief Counsel  
20 Legal Division  
21 ARIZONA CORPORATION COMMISSION  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 COPY of the foregoing sent via mail and/or  
25 e-mail this 30<sup>th</sup> day of October, 2014, to:

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27 Michael Hallam, Esq.  
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7 Sun City West, Arizona 85375
- 8 W.R. Hansen, President  
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26 18044 W. Georgia Court  
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- 5 Douglas Edwards
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- 10 CORTE BELLA COUNTRY CLUB HOA
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- 12 Sun City West, Arizona 85375
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- 15 13234 W. Cabrillo Drive
- 16 Sun City West, Arizona 85375
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- 18 Frances A. Noe
- 19 11756 W. Daley Lane
- 20 Sun City, Arizona 85373
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- 22 Robert J. McKenzie Jr.
- 23 41633 N. Panther Creek Trail
- 24 Anthem, Arizona 85086
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- 26 Ms. Karen D. Proctor
- 27 11716 W. Villa Chula Court
- 28 Sun City, Arizona 85375
- Mr. Albert E. Gervenack
- 14751 W. Buttonwood Drive
- Sun City West, Arizona 85375
- Mr. Greg Eisert, Chairman
- Government Affairs Committee
- SUN CITY BOARD OF DIRECTORS
- 10401 W. Coggins Drive
- Sun City, Arizona 85379

24 *Christina Neely*

**ATTACHMENT 1**



For Official Use:  
 App# 1008482  
 Bar Number# P174296

Attn: Pro Hac Vice Dept  
 4201 N. 24<sup>th</sup> St., Ste 100  
 Phoenix, AZ 85016-6266  
 Phone: 602-340-7239

**Application for Appearance Pro Hac Vice**

**PART I: Applicant Information**

Name of Applicant: Bradley J. Herrema  
 Firm/Company Name: Brownstein Hyatt Farber Schreck  
 Office Address: 1020 State Street, Santa Barbara, CA 93101  
 Telephone: (805) 963-7000 Fax: (805) 965-4333 Email Address: bherrema@bhfs.com  
 Residence Address: 1600 Garden Street, #28, Santa Barbara, CA 93101  
 Title of cause or case where applicant seeks to appear: In the Matter of the Application of Arizona-American Water Co.  
 Docket Number: W-01303A-09-0343 & SW-01303A-09-0343  
 Court, Board, or Administrative Agency: Arizona Corporation Commission  
 Party on whose behalf applicant seeks to appear: Anthem Golf and Country Club

**Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below:**

Courts to Which Applicant Has Been Admitted: <small>(Attach additional pages if necessary)</small>	Date of Admission:	Bar Number:
<u>Supreme Court of California</u>	<u>12/5/03</u>	<u>228976</u>
<u>U.S. Court of Appeals for the 9th Circuit</u>	<u>9/8/06</u>	
<u>U.S. Supreme Court</u>	<u>1/22/07</u>	
<u>Supreme Court of Nevada</u>	<u>4/18/07</u>	<u>10368</u>

U.S. District Court for the District of Nevada 1/22/08

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant  is /  is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause  is /  is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# W-01303A-09-0343 & SW-01303A-09-0343

**DEPOSITED**

SEP 03 2014  
 CEH 235201  
 B. J. COO

**PART II: Local Counsel Information**

Name of Arizona Local Counsel: Robert J. Saperstein

State Bar of Arizona Number: 023447

Address: 1020 State Street, Santa Barbara, CA 93101

Telephone: (805) 963-7000 Fax: (805) 965-4333 Email Address: rsaperstein@bhfs.com

Local Counsel is a member in good standing.

Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.

**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record: **SEE ATTACHED**

Party:	Counsel of Record:	Address:
<u>See Attachment</u>	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b).
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

**Verification**

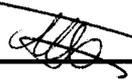
STATE OF California  
County of Santa Barbara ) ss.

I, Bradley J. Herrema, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 22 August 2014

Applicant's Signature: 

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

Name of Applicant SEE ATTACHED JURAT Notary Public 

**Attachment for Appearance Pro Hac Vice**

**PART III: Parties and Certification**

<p>For applicant EPCOR Arizona Water, Inc:</p> <p>Mr. Thomas H. Campbell . Mr. Michael T. Hallam LEWIS AND ROCA LLP 201 E. Washington, #1200 Phoenix, Arizona 85004</p>	<p>For Intervneors Camelback Inn, Sanctuary on Camelback Mountain, the Intercontinental Montelucia resort and Spa and the Scottsdale Cottonwoods Resort and Suites:</p> <p>Mr. Robert Metli MUNGER CHADWICK P.L.C. 2398 E. Camelback Road, Suite 240 Washington, #1200 Phoenix, AZ 85016</p>
<p>For Intervenor Anthem Community Counsel:</p> <p>Ms. Judith M. Dworkin Ms. Roxanne S. Gallagher SACKS TIERNEY PA 4250 North Drinkwater Blvd., Floor 4 Scottsdale, Arizona 85251-3693</p>	<p>Mr. Philip H. Cook 10122 West Signal Butte Circle Sun City, Arizona 85373</p>
<p>For Intervenor Anthem Community Counsel:</p> <p>Mr. Lawrence V. Robertson, Jr. Post Office Box 1448 Tubac,Auizona 85646-1448</p>	<p>For Intervenor TOWN OF PARADISE VALLEY:</p> <p>Mr. Andrew M. Miller Mr. Tom Attorney 6401 East Lincoln Drive Paradise Valley, Arizona 85253</p>
<p>For RUCO:</p> <p>Mr. Daniel Pozefsky Chief Counsel 1110 West Washington Street, Suite 220 Phoenix, Arizona 85007</p>	<p>For Intervenor Anthem Golf &amp; Country Club:</p> <p>Mr. Bradley J. Herrema Mr. Robert J. Saperstein BROWNSTEIN HYATT FARBER SCHRECK, LLP 1020 State Street Santa Barbara, CA 93101</p>
<p>Mr. Larry Woods, President Property Owners and Residents Assn. 13815 East Camino Del Sol Sun City West, Arizona 85375</p>	<p>Mr. Marshall Magruder P.O. Box 1267 Tubac, Arizona 85646-1267</p>

<p>W.R Hansen 12302 West Swallow Drive Sun City West, Arizona 85375</p>	<p>For Intervenor DMB White Tank, LLC:  Mr. Norman-D. James FENNEMORE CRAIG, P.C. 2394 E. Camelback, Suite 2600 Phoenix, Arizona 85016</p>
<p>For Intervenor WUAA:  Mr. Greg Patterson 916 West Adams Street, Suite 3 Phoenix, Arizona 85007</p>	<p>Mr. Larry D. Woods 15141 West Horseman Lane Sun City West, Arizona. 85375</p>
<p>For Intervenor Mashie, LLC, dba Corte Bella Golf Club:  Ms. Joan S. Burke LAW OFFICE OF JOAN S. BURKE 1650 North First Avenue Phoenix, Arizona 85003</p>	<p>Ms. Cynthia Campbell Assistant City Attorney Office of the City Attorney 200 West Washington, Suite 1300 Phoenix, Arizona 85003-1611</p>
<p>For EPCOR Arizona Water Inc.:  Mr. Craig A. Marks CRAIG A. MARKS, PLC 10645 North Tatum Boulevard, Suite 200-676 Phoenix, Arizona 85028</p>	<p>For Intervenor Corte Bella Country Club Association, Inc.:  Mr. Chad R. Kaffer Mr. Troy Stratman, Esq. MACK DRUCKER &amp; WATSON, PLC 3200 North Central Avenue, Suite 1200 Phoenix, Arizona 85012</p>
<p>Scottsdale Citizens for Sustainable Water 7322 East Cactus Wren Road Scottsdale, Arizona 85250-4526</p>	<p>For Intervenor Corte Bella Country Club Association, Inc.:  Mr. Jason D. Gellman ROSHKA, DEWULF &amp; PATTEN, PLC 400 East Van Buren Street, Suite 800 Phoenix, Arizona 85004</p>
<p>For Intervenor Sun City Grand Community Association:  Ms. Lynn M. Krupnik EKMARK &amp; EKMARK, LLC 6720 North Scottsdale Road, Suite 261 Scottsdale, Arizona 85253</p>	<p>Thomas and Laurie Decatur 924 Torridon Court Pickerington, Ohio 43147</p>

<p>Peter and Rochanee Corpus 8425 North 181st Drive Waddell, Arizona 85355</p>	<p>Mr. Kenneth Hewitt 18729 North Palermo Court Surprise, Arizona 85387</p>
<p>For Intervenor Verrado Community Association, Inc:</p> <p>Ms. Michele L. Van Quathem RYLEY CARLOCK &amp; APPLEWHITE One North Central Avenue, Suite 1200 Phoenix, Arizona 85004-4417</p>	<p>Ms. Peggy H. Rahkola The Arizona Traditions HOA 17221 North Citrus Surprise, Arizona 85374</p>
<p>Mr. George M. Turner President, Board of Directors Russell Ranch Homeowners' Assoc., Inc. Post Office Box 12560 Glendale, Arizona 85318</p>	<p>Mr. Jim Weihman The Happy Trails Community Association 17200 West Bell Road Surprise, Arizona 85374</p>
<p>Mr. Frederick G. Botha Ms. Mary L. Botha 23024 North Giovota Drive Sun City West, Arizona 85375</p>	<p>Mr. Nicholas Mascia The Surprise Farms III Community Assn. 1600 West Broadway Road, Suite 200 Tempe, Arizona 85282</p>
<p>Ms. Tammy Ryan Mr. Andy Terrey City of Phoenix Water Services Department 200 West Washington, Floor 9 Phoenix, Arizona 85003-1611</p>	<p>Mr. William B. Lipscomb Kingswood Parke Community Association 14976 West Bottletree Avenue ; Surprise, Arizona 85374</p>
<p>Mr. Kevin Chiariello Greer Ranch South HOA 16074 West Christy Surprise, Arizona 85379</p>	<p>Ms. Jan Garcia Sycamore Estates Parcel 13 Comm. Assn. 1600 West Broadway Road, Suite 200 Tempe, Arizona 85282</p>
<p>For Intervenor City of Surprise:</p> <p>Mr. Michael D. Bailey City Attorney 16000 North Civic Center Plaza Surprise, Arizona 85374</p>	<p>Mr. Garry D. Hays THE LAW OFFICES OF GARRY D. HAYS PC 1702 East Highland Avenue, Suite 204 Phoenix, Arizona 85016</p>
<p>Mr. Mike Albertson 6634 North 176th Avenue Waddell, Arizona 85355</p>	<p>Mr. Jared Evenson Cross River Homeowners Association 1600 West Broadway Road, Suite 200 Tempe, Arizona 85282</p>

Mr. Brian O'Neal 21373 West Brittle Bush Lane Buckeye, Arizona 85396	Mr. Timothy L. Duffy Ms. Cindy J. Duffy 19997 North Half Moon Drive Surprise, Arizona 85374
Craig and Nancy Plummer 17174 West Saguaro Lane Surprise, Arizona 85388	Mr. Mike Smith Sierra Montana Homeowners Association c/o Rossmar & Graham 15396 North 83rd Ave., Bldg. B, Suite 101 Peoria, Arizona 85381
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Ms. Sharon Wolcott 20117 North Painted Cove Lane Surprise, Arizona 85387	Ms. Dana Rosenbaum Surprise Farms Community Assn., Phase 1A P.O. Box 25466 Tempe, Arizona 85285-5466
Mr. Jim Oravetz Legacy Pare South Homeowners Assn. 1600 West Broadway Road, Suite 200 Tempe, Arizona 85282	Mr. Jerome M. Ellison II Cortessa Community Association P.O. Box 25466 Tempe, Arizona 85285-5466
Mr. Stan Mucha The Sun Village Community Association 17300 North Sun Village Pkwy Surprise, Arizona 85374	Ms. Jeanne Stockard , Northwest Ranch Homeowners Association 4742 North 24th Street, Suite 325 Phoenix, Arizona 85016
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Ms. Janice M. Alward Chief Counsel, Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, Arizona 85007	Mr. Owen Dejanovich Clearwater Farms Three HOA P.O. Box 72 Waddell, Arizona 8535

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**  
**GOVERNMENT CODE § 8202**

- See Attached Document (Notary to cross out lines 1-6 below)  
 See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

*[Handwritten signature]*

\_\_\_\_\_  
Signature of Document Signer No. 1

\_\_\_\_\_  
Signature of Document Signer No. 2 (if any)

State of California

County of Santa Barbara

Subscribed and sworn to (or affirmed) before me

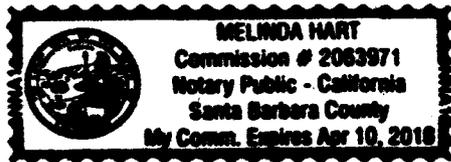
on this 22<sup>nd</sup> day of August, 2014,  
by \_\_\_\_\_  
Date Month Year

(1) Bradley J. Herrema

(2) \_\_\_\_\_  
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence  
to be the person(s) who appeared before me.

Signature *[Handwritten Signature]*  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document  
or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**ATTACHMENT 2**

# STATE BAR OF NEVADA



## *Certificate of Good Standing*

*Bradley J. Herrema*

*(Bar Number 10368) was admitted by the Supreme Court of the State of Nevada on 04/18/2007 as an*

*Attorney and Counselor at law duly licensed to practice in all courts of the State of Nevada. It is hereby further certified that*

*Bradley J. Herrema is now an Active member of the State Bar of Nevada in good standing.*

*DATED this Thursday, August 21, 2014*

*James K. Scheffler*  
Laurie K. Scheffler  
Member Services Administrator  
State Bar of Nevada



THE STATE BAR  
OF CALIFORNIA

MEMBER RECORDS & COMPLIANCE

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

August 20, 2014

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, BRADLEY JOHN HERREMA, #228976 was admitted to the practice of law in this state by the Supreme Court of California on December 5, 2003; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kathan Lambert  
Custodian of Membership Records

**ATTACHMENT 3**



**ATTACHMENT 4**

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

BOB STUMP  
Chairman

GARY PIERCE  
Commissioner

BRENDA BURNS  
Commissioner

BOB BURNS  
Commissioner

SUSAN BITTER SMITH  
Commissioner

IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM WATER DISTRICT AND ITS  
SUN CITY WATER DISTRICT

DOCKET NO. W-01303A-09-0343

IN THE MATTER OF THE APPLICATION  
OF ARIZONA-AMERICAN WATER  
COMPANY, AN ARIZONA  
CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR INCREASES  
IN ITS RATES AND CHARGES BASED  
THEREON FOR UTILITY SERVICE BY ITS  
ANTHEM/AGUA FRIA WASTEWATER  
DISTRICT, ITS SUN CITY WASTEWATER  
DISTRICT AND ITS SUN CITY WEST  
WASTEWATER DISTRICT

DOCKET NO. SW-01303A-09-0343

**[PROPOSED] PROCEDURAL ORDER**

**BY THE COMMISSION:**

On July 2, 2009, Arizona-American Water Company (“Arizona-American” or  
“Company”) filed with the Arizona Corporation Commission (“Commission”) an application for  
rate increases for its Anthem Water District, Sun City Water District, Anthem/Agua Fria  
Wastewater District, Sun City Wastewater District, and Sun City West Wastewater District.

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
1020 State Street  
Santa Barbara, CA 93101-2711

1 On January 7, 2010, the Anthem Golf & Country Club ("Club") moved to intervene in  
2 these proceedings.

3 On October 30, 2014, the Club moved the Commission for an order approving the  
4 association of Bradley J. Herrema, Esq., *pro hac vice*, in the present proceedings pursuant to Rule  
5 of the Arizona Supreme Court 38.

6 No oppositions to the Motion to Associate Counsel Pro Hac Vice have been filed.  
7 Accordingly, the Club should be allowed to associate Mr. Herrema as counsel *pro hac vice*.

8 IT IS THEREFORE ORDERED that the Club is granted its Motion to Associate Mr.  
9 Herrema *pro hac vice*.

10 IT IS FURTHER ORDERED that withdrawal of representation must be made in  
11 compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under  
12 Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission  
13 includes appearances in all hearings and procedural conferences, as well as all Open Meetings for  
14 which the matter is scheduled for discussion, unless counsel has previously been granted  
15 permission to withdraw by the Administrative Law Judge or the Commission.

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

19 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter,  
20 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or  
21 by ruling at Hearing.

22 DATED this \_\_\_\_ day of November 2014.

23 \_\_\_\_\_  
24 DWIGHT D. NODES  
25 ASSISTANT CHIEF ADMINISTRATIVE  
26 LAW JUDGE  
27  
28

**ATTACHMENT 5**

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION  
RECEIVED

2 COMMISSIONERS

- 3 KRISTIN K. MAYES - Chairman
- 4 GARY PIERCE
- 5 PAUL NEWMAN
- 6 SANDRA D. KENNEDY
- 7 BOB STUMP

2010 MAR 18 P 3:18  
AZ CORP COMMISSION  
DOCKET CONTROL

7 IN THE MATTER OF THE APPLICATION OF  
8 ARIZONA-AMERICAN WATER COMPANY, AN  
9 ARIZONA CORPORATION, FOR A  
10 DETERMINATION OF THE CURRENT FAIR  
11 VALUE OF ITS UTILITY PLANT AND  
12 PROPERTY AND FOR INCREASES IN ITS  
13 RATES AND CHARGES BASED THEREON FOR  
14 UTILITY SERVICE BY ITS ANTHEM WATER  
15 DISTRICT AND ITS SUN CITY WATER  
16 DISTRICT, AND POSSIBLE RATE  
17 CONSOLIDATION FOR ALL OF ARIZONA-  
18 AMERICAN COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission  
**DOCKETED**

MAR 18 2010

DOCKETED BY *MM*

13 IN THE MATTER OF THE APPLICATION OF  
14 ARIZONA-AMERICAN WATER COMPANY, AN  
15 ARIZONA CORPORATION, FOR A  
16 DETERMINATION OF THE CURRENT FAIR  
17 VALUE OF ITS UTILITY PLANT AND  
18 PROPERTY AND FOR INCREASES IN ITS  
19 RATES AND CHARGES BASED THEREON FOR  
20 UTILITY SERVICE BY ITS ANTHEM/AGUA  
21 FRIA WASTEWATER DISTRICT, ITS SUN CITY  
22 WASTEWATER DISTRICT AND ITS SUN CITY  
23 WEST WASTEWATER DISTRICT, AND  
24 POSSIBLE RATE CONSOLIDATION FOR ALL  
25 OF ARIZONA-AMERICAN COMPANY'S  
26 DISTRICTS.

DOCKET NO. SW-01303A-09-0343

**PROCEDURAL ORDER REQUIRING  
PUBLIC NOTICE REGARDING  
RATE CONSOLIDATION;  
AMENDING PROCEDURAL  
SCHEDULE AND GRANTING  
ADMISSION PRO HAC VICE**

21 **BY THE COMMISSION:**

22 On July 2, 2009, Arizona-American Water Company ("Arizona-American" or "Company")  
23 filed with the Arizona Corporation Commission ("Commission") an application for rate increases for  
24 its Anthem Water District, Sun City Water District, Anthem/Agua Fria Wastewater District, Sun City  
25 Wastewater District, and Sun City West Wastewater District.

26 Intervention in this matter has been granted to the Residential Utility Consumer Office  
27 ("RUCO"); Anthem Community Council; Sun City West Property Owners and Residents Association  
28 ("PORA"); W.R. Hansen; the Water Utility Association of Arizona; the Camelback Inn, Sanctuary on

26  
R

1 Camelback Mountain, the Intercontinental Montelucia Resort and Spa, and the Scottsdale  
2 Cottonwoods Resort and Suites (collectively the "Resorts"); and the Town of Paradise Valley  
3 ("Paradise Valley").<sup>1</sup>

4 Scheduling and Notice

5 On March 5, 2010, the Commission's Utilities Division ("Staff") filed a Motion for Extension  
6 and Request for Procedural Conference. Staff stated that in accordance with the procedural order  
7 issued March 1, 2010, Staff had met with the parties to discuss proposed schedule changes. Staff  
8 included in its filing the schedule proposed by the parties, which would have Staff and intervenors  
9 file rate design/rate consolidation testimony on March 29, 2010; have the Company file rebuttal  
10 thereto due on April 5, 2010; and have and Staff and intervenor surrebuttal testimony due on April  
11 12, 2010.

12 On March 8, 2010, the Anthem Community Council made a filing in support of Staff's  
13 Motion for Extension and Request for Procedural Conference.

14 On March 9, 2010, a procedural order was issued setting a procedural conference for the  
15 purpose of addressing proper and appropriate notice related to any rate consolidation proposal made  
16 in this docket, the Company's March 5, 2010 Request for Additional Intervention; and the proposed  
17 changes to the procedural schedule.

18 On March 12, 2010, the procedural conference was held as scheduled. Appearances were  
19 entered through counsel for Anthem Community Council, the Resorts, RUCO, and Staff. Counsel for  
20 Paradise Valley also appeared and provided copies of its Motion to Intervene, filed on March 12,  
21 2010, to the parties present and to the Administrative Law Judge. No party objected to Paradise  
22 Valley's intervention request, and it was granted.

23 At the procedural conference, Staff confirmed that it planned to file rate consolidation  
24 proposals with testimony on March 29, 2010. Counsel for Staff stated that while it was unknown at  
25 that time what Staff's recommendation would be, any Staff rate consolidation proposal would likely  
26 affect customers in all of Arizona-American's districts. Discussion ensued regarding the difficulty of

27 \_\_\_\_\_  
28 <sup>1</sup> Intervention was granted to the Town of Paradise Valley at the procedural conference held in this matter on March 12, 2010.

1 providing an appropriate opportunity for informed public comment and participation, within the  
2 proposed schedule. Some parties present expressed the concern that a solution to the rate  
3 consolidation notice issue should not delay the currently scheduled April 19, 2010, commencement of  
4 the hearing on the Company's application.

5 The parties were informed that in order to allow an appropriate opportunity for informed  
6 public comment, intervention, and full participation of any party wishing to participate in the rate  
7 consolidation portion of the upcoming hearing, that portion of the hearing would have to be delayed.  
8 Staff was directed to proceed with its proposed March 29, 2010, filing of testimony and exhibits on  
9 rate design/rate consolidation, and the Company was directed to file its rebuttal testimony on rate  
10 design/rate consolidation on April 5, 2010, as proposed. The parties were informed that a procedural  
11 schedule for the filing of intervenors' responsive testimony to rate design/rate consolidation  
12 testimony would be forthcoming. The Company agreed to draft a form of public notice for provision  
13 to all its customers, and to circulate the draft among the parties for comments prior to filing an  
14 agreed-upon form of notice by March 19, 2010. Due to the need to provide public notice to all  
15 customers, the Company agreed that further consideration of the Company's request for additional  
16 intervention was not necessary.

17 It is reasonable and in the public interest to bifurcate the hearing in this matter into two  
18 phases, with all issues other than rate design and rate consolidation heard during the first phase of the  
19 hearing, and rate design and rate consolidation issues heard during the second phase of the hearing.  
20 A revised procedural schedule for this bifurcated proceeding must be established.

21 On March 16, 2010, Arizona-American filed a Notice of Filing Form of Notice. The  
22 Company indicated that it circulated a form of notice addressing the issue of rate consolidation to all  
23 parties to this proceeding, and that the form of notice included in the filing incorporated all comments  
24 received from the parties.

25 The proposed form of notice filed by the Company appears to reasonably provide all known  
26 information about the rate consolidation issue. It is therefore appropriate to require the Company to  
27 provide public notice of the rate consolidation issue in the proposed form, with the modifications set  
28 forth herein regarding hearing, pre-hearing conference and intervention requirements and dates, to all

1 of its customers by first class mail.

2 Anthem Golf and Country Club Intervention and Pro Hac Vice Admission of Counsel

3       On March 15, 2010, pursuant to Arizona Supreme Court Rule 38(a), Robert J. Saperstein, an  
4 attorney with Brownstein Hyatt Farber Schreck, LLP, filed with the Commission a Motion and  
5 Consent of Local Counsel for *Pro Hac Vice* Admission of Bradley J. Herrema in the above-captioned  
6 matter, on behalf of the Anthem Golf and Country Club.<sup>2</sup> The Motion lists Mr. Saperstein as the  
7 designated member of the Arizona State Bar with whom communications may be made and upon  
8 whom papers should be served. A copy of the Application for Appearance Pro Hac Vice filed with  
9 the State Bar of Arizona for Mr. Herrema, a copy of certificates of good standing from the  
10 jurisdictions in which Mr. Herrema has been admitted to practice law, and a copy of the Notice of  
11 Receipt of Complete Application from the State Bar of Arizona were attached to the Motion.

12       In the discretion of the Commission, Bradley J. Herrema should be permitted to appear and  
13 participate in the above-captioned matter on behalf of the Anthem Golf and Country Club. Mr.  
14 Herrema should be required to personally appear during his representation of the Anthem Golf and  
15 Country Club at Commission hearings in this docket. Mr. Herrema should be permitted to make  
16 timely requests to the Hearing Division to participate telephonically in procedural conferences.

17       As no objection has been filed to the intervention request of the Anthem Golf and Country  
18 Club, it should be granted intervention.

19       **IT IS THEREFORE ORDERED** that the **first phase of the hearing** in the above-captioned  
20 matter shall commence on the currently scheduled date of **April 19, 2010, at 10:00 a.m.**, or as soon  
21 thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Hearing  
22 Room #1 Phoenix, Arizona 85007. **All issues other than rate design and rate consolidation shall**  
23 **be heard during the first phase of the hearing.**

24       **IT IS FURTHER ORDERED** that the **second phase of the hearing** in the above-captioned  
25 matter shall commence on **May 18, 2010, at 10:00 a.m.**, or as soon thereafter as is practicable, at the

26  
27 <sup>2</sup> On January 11, 2010, a Motion to Intervene was filed by the General Manager of the Anthem Golf and Country Club.  
28 Because the filing was not made by counsel authorized to practice law in the State of Arizona pursuant to Rule 31 of the  
Rules of the Supreme Court of Arizona, no ruling on the filing has been made.

1 Commission's offices, 1200 West Washington Street, Hearing Room #1 Phoenix, Arizona 85007.

2 **Rate design and rate consolidation issues shall be heard during the second phase of the hearing.**

3 **IT IS FURTHER ORDERED** that intervention for the purpose of participation in the second  
4 **phase of the hearing** in the above-captioned matter pertaining to rate design and rate  
5 **consolidation issues** shall be in accordance with A.A.C. R14-3-105, except that all motions to  
6 **intervene for the purpose of participating in the second phase of the hearing** in the above-  
7 **captioned matter must be filed on or before April 15, 2010.**

8 **IT IS FURTHER ORDERED** that a **pre-hearing conference** shall be held on April 16, 2010,  
9 **commencing at 1:30 p.m.**, or as soon thereafter as is practicable, at the Commission's Phoenix  
10 **offices, for the purpose of scheduling witnesses and discussion process for both the first and second**  
11 **phases of the hearing. All parties, including those who have requested intervention by the**  
12 **deadline of April 15, 2010 to participate in the second phase of the hearing in the above-**  
13 **captioned matter, are required to attend the April 16, 2010, pre-hearing conference.**

14 **IT IS FURTHER ORDERED** that Staff's testimony and associated exhibits to be presented at  
15 **hearing on rate design and rate consolidation issues shall be reduced to writing and filed on or**  
16 **before March 29, 2010.**

17 **IT IS FURTHER ORDERED** that any rebuttal testimony and associated exhibits to be  
18 **presented at hearing on behalf of Arizona-American in response to Staff's direct testimony on**  
19 **rate design and rate consolidation issues, shall be reduced to writing and filed on or before April 5,**  
20 **2010.**

21 **IT IS FURTHER ORDERED** that any surrebuttal testimony and associated exhibits to be  
22 **presented by Staff or intervenors on issues other than rate design and rate consolidation shall**  
23 **be reduced to writing and filed on or before April 15, 2010.**

24 **IT IS FURTHER ORDERED** that the Company's witnesses may provide rejoinder  
25 **testimony on issues other than rate design and rate consolidation orally at the first phase of the**  
26 **hearing.**

27 **IT IS FURTHER ORDERED** that any objections to testimony or exhibits that have been  
28

1 prefiled as of April 15, 2010, shall be made before or at the April 16, 2010, pre-hearing  
2 conference. For testimony or exhibits prefiled after April 15, 2010, objections shall be made  
3 before or at the commencement of the second phase of the hearing, on May 18, 2010.

4 IT IS FURTHER ORDERED that testimony and associated exhibits to be presented at  
5 hearing on behalf of intervenors on rate design and rate consolidation issues shall be reduced to  
6 writing and filed on or before May 3, 2010. This prefiled testimony shall be responsive to the rate  
7 design and rate consolidation testimony previously filed by Staff and Arizona-American and may  
8 also raise new issues related to rate consolidation.

9 IT IS FURTHER ORDERED that any rebuttal testimony and associated exhibits to be  
10 presented at hearing on behalf of Arizona-American in response to intervenors' May 3, 2010  
11 testimony on rate design and rate consolidation issues shall be reduced to writing and filed on or  
12 before May 14, 2010.

13 IT IS FURTHER ORDERED that Staff and intervenors' witnesses shall provide surrebuttal  
14 testimony on rate design and rate consolidation issues orally at the second phase of the hearing.

15 IT IS FURTHER ORDERED that all filings shall be made by 4:00 p.m. on the date the  
16 filing is due, unless otherwise indicated above.

17 IT IS FURTHER ORDERED that the Company shall provide public notice of the rate  
18 consolidation issue in this matter, in the following form and style, with the heading in no less than  
19 18-point bold type and the body in no less than 10-point regular type:

20  
21 **PUBLIC NOTICE TO ALL CUSTOMERS OF ARIZONA-**  
22 **AMERICAN WATER COMPANY OF A HEARING ON RATE**  
23 **CONSOLIDATION PROPOSALS FOR POSSIBLE RATE**  
24 **CHANGES FOR UTILITY SERVICE IN**  
**ALL OF ITS ARIZONA DISTRICTS.**  
**DOCKET NOS. W-01303A-09-0343 AND SW-01303A-09-0343**

25 **Summary**

26 On July 2, 2009, Arizona-American Water Company ("Company") filed an  
27 application with the Arizona Corporation Commission ("Commission") for  
28 permanent revenue increases for its following districts: Anthem Water District,  
Sun City Water District, Anthem/Agua Fria Wastewater District, Sun City  
Wastewater District, and Sun City West Wastewater District (the "Pending Rate

1 Case"). In Decision No. 71410, dated December 8, 2009, the Commission  
2 approved a rate increase for the Company's Agua Fria Water District, Havasu  
3 Water District, Mohave Water District, Paradise Valley Water District, Tubac  
4 Water District, Sun City West Water District, and Mohave Wastewater District.  
5 In Decision No. 71410, the Commission ordered the Commission's Utilities  
6 Division ("Staff") to propose at least one rate consolidation proposal in the  
7 Company's Pending Rate Case. Pursuant to Decision No. 71410 and the  
8 schedule in the Pending Rate Case, Staff will file at least one rate consolidation  
9 proposal on or before March 29, 2010. If approved by the Commission, this  
10 proposal may impact the rates of every Arizona-American water and  
11 wastewater customer, resulting in either an increase or a decrease. Other  
12 parties to this case, including the Residential Utility Consumer Office, will also  
13 have an opportunity to analyze the application and make recommendations to the  
14 Commission. The Commission will determine the appropriate relief to be granted  
15 based on the evidence presented by the parties. The Commission is not bound by  
16 the proposals made by Commission Staff, Arizona-American, or any intervenors;  
17 therefore the final rates approved by the Commission may be higher or lower than  
18 the rates requested by Arizona-American in the Pending Rate Case and may or  
19 may not include a form of rate consolidation.

#### 12 Rate Consolidation

13 Currently, the Company's rates are unique for each of its Arizona Districts and  
14 the existing rates reflect the differing cost to serve each geographic area.  
15 Alternatively, rate consolidation is the process of combining two or more districts  
16 for the purpose of combining the differing rates by some means into a single rate  
17 for comparable customers (i.e., residential customers). Therefore, instead of  
18 paying a different rate according to a specific District, all comparable customers  
19 in consolidated Districts would pay the same rate for the same water usage.  
20 Presently, Arizona-American's existing District-specific residential rates for  
21 typical use water customers result in average bills ranging from a low of \$16.73  
22 per month in Sun City Water District to a high of \$58.59 per month in Tubac  
23 Water District.

#### 20 How You Can View or Obtain a Copy of the Rate Consolidation Proposal

21 Copies of the rate consolidation proposal filed by Commission Staff will be  
22 available after March 29, 2010, from Arizona-American, 2355 W. Pinnacle Peak  
23 Road, Suite 300, Phoenix, AZ 85027; at the Commission's Docket Control Center,  
24 1200 West Washington, Phoenix, Arizona, for public inspection during regular  
25 business hours; and on the internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov))  
26 using the e-docket function.

#### 24 Commission Public Hearing Information - Phase One

25 On September 24, 2009, the Commission scheduled Phase One of the hearing on  
26 this matter beginning April 19, 2010, at 10:00 a.m., at the Commission's offices,  
27 Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. During  
28 Phase One of the hearing, issues related to evidence presented by the Company  
regarding the revenue requirements for Anthem Water District, Sun City Water  
District, Anthem/Agua Fria Wastewater District, Sun City Wastewater District,

1 and Sun City West Wastewater Districts will be addressed. During Phase One of  
2 the hearing, the issues of rate consolidation and rate design will not be addressed.

3 **Commission Public Hearing Information - Phase Two**

4 The Commission will hold Phase Two of the hearing on this matter beginning  
5 May 18, 2010, at 10:00 a.m., at the Commission's offices, 1200 West  
6 Washington, Hearing Room #1, Phoenix, Arizona. During Phase Two of the  
7 hearing, the issues of rate consolidation and rate design for all of the  
8 Company's Districts will be addressed.

9 **Public comments on Rate Design and Rate Consolidation will be taken on the**  
10 **first day of Phase Two of the hearing.** Other public comment times may be  
11 established by the Commission and posted on the Commission's website. Written  
12 public comments may be submitted by mailing a letter referencing Docket Nos.  
13 W-01303A-09-0343 and WS-01303A-09-0343 to Arizona Corporation  
14 Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ  
15 85007, or by e-mail to Mailmaster@azcc.gov. For a form to use and instructions  
16 on how to e-mail comments to the Commission, go to  
17 <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>. If you  
18 require assistance, you may contact the Consumer Services Section at 602-542-  
19 4251 or 1-800-222-7000.

20 **About Intervention**

21 The law provides for an open public hearing at which, under appropriate  
22 circumstances, interested parties may intervene. Any person or entity entitled by  
23 law to intervene and having a direct and substantial interest in the matter will be  
24 permitted to intervene. If you wish to intervene, you must file an original and 13  
25 copies of a written motion to intervene with the Commission no later than April  
26 15, 2010 and send a copy of the motion to intervene to Arizona-American or its  
27 counsel and to all parties of record. Your motion to intervene must contain the  
28 following:

1. Your name, address, and telephone number and the name, address and telephone number of any person upon whom service of documents is to be made if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of Arizona-American, a shareholder of Arizona-American, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to Arizona-American or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 15, 2010.

1 A pre-hearing conference will be held on April 16, 2010, commencing at 1:30  
2 p.m., at the Commission's Phoenix offices, Hearing Room #1, for the purpose of  
3 scheduling witnesses and discussing process for both Phase One and Phase Two  
4 of the hearing. All parties, including those who have requested intervention  
5 by the deadline of April 15, 2010, for the purpose of addressing rate design  
6 and rate consolidation issues, are required to attend the April 16, 2010,  
7 procedural conference.

8 As part of the Pending Rate Case, intervenors will have an opportunity to file  
9 both direct testimony and responsive testimony on rate design/rate  
10 consolidation, due May 3, 2010. This prefiled testimony must be responsive to  
11 the rate design and rate consolidation testimony filed by Staff and the  
12 Company, and may also raise new issues related to rate consolidation.

13 If representation by counsel is required by Rule 31 of the Rules of the Arizona  
14 Supreme Court, intervention will be conditioned upon the intervenor obtaining  
15 counsel to represent the intervenor. For information about requesting  
16 intervention, visit the Commission's website at  
17 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of  
18 intervention, among other things, entitles a party to present sworn evidence at  
19 hearing and to cross-examine other witnesses. However, failure to intervene will  
20 not preclude any interested person or entity from appearing at the hearing and  
21 providing public comment on the application or from filing written comments for  
22 the record of the case.

23 **ADA/Equal Access Information**

24 The Commission does not discriminate on the basis of disability in admission to  
25 its public meetings. Persons with a disability may request a reasonable  
26 accommodation such as a sign language interpreter, and may request this  
27 document in an alternative format by contacting the ADA Coordinator, Shaylin  
28 Bernal, at [sabernal@azcc.gov](mailto:sabernal@azcc.gov), voice phone number 602-542-3931. Requests  
should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Arizona-American shall mail to each of its customers a  
copy of the above notice by first-class mail no later than March 29, 2010.

IT IS FURTHER ORDERED that Arizona-American shall file certification of mailing as soon  
as practicable after the mailing has been completed, but no later than April 15, 2010.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing of same,  
notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that Bradley J. Herrema is hereby admitted *pro hac vice* in the  
above-captioned matter.

1 IT IS FURTHER ORDERED that Mr. Herrema is hereby required to personally appear during  
2 his representation of the Anthem Golf and Country Club at Commission hearings in this docket. Mr.  
3 Herrema may make timely requests to the Hearing Division to participate telephonically in  
4 procedural conferences, but requests to participate telephonically in evidentiary hearings will not be  
5 granted.

6 IT IS FURTHER ORDERED that the address for service of papers and other communications  
7 for Bradley J. Herrema shall be:

8  
9 Bradley J. Herrema  
10 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
11 21 E. Carrillo Street  
12 Santa Barbara, CA 93101

13 IT IS FURTHER ORDERED that the address for service of papers and other communications  
14 for the Arizona-licensed attorney shall be:

15 Robert J. Saperstein  
16 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
17 21 E. Carrillo Street  
18 Santa Barbara, CA 93101

19 IT IS FURTHER ORDERED that the Anthem Golf and Country Club and the Town of  
20 Paradise Valley are hereby granted intervention.

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
23 Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation  
24 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the  
25 matter is scheduled for discussion, unless counsel has previously been granted permission to  
26 withdraw by the Administrative Law Judge.

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

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

4 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
5 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
6 hearing.

7 DATED this 18<sup>th</sup> day of March, 2010.

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10   
11 TREINA WOLFE  
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered  
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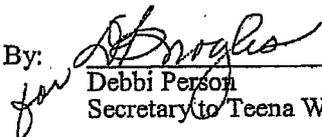
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Secretary to Teena Wolfe

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