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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2014 OCT 31 P 2:09

- BOB STUMP - Chairman
- GARY PIERCE
- BRENDA BURNS
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- SUSAN BITTER SMITH

ARIZONA CORPORATION COMMISSION DOCKET CONTROL

ORIGINAL

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, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. W-01303A-09-0343

Arizona Corporation Commission

DOCKETED

OCT 31 2014

DOCKETED BY 

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, AND POSSIBLE RATE CONSOLIDATION FOR ALL OF ARIZONA-AMERICAN WATER COMPANY'S DISTRICTS.

DOCKET NO. SW-01303A-09-0343

PROCEDURAL ORDER

BY THE COMMISSION:

On July 30, 2014, the Arizona Corporation Commission ("Commission") issued Decision No. 74588 in the above-captioned dockets stating that it had received a significant number of customer complaints and petitions concerning EPCOR Water Arizona, Inc. ("EPCOR") Agua Fria District's rates and charges for water and wastewater service.

On October 16, 2014, the Commission voted at a Staff Open Meeting to conduct a public comment meeting in Buckeye, Arizona.

1 On October 21, 2014, a Procedural Order was issued which, among other things, directed all
 2 interested parties on the service list to file, by no later than October 30, 2014, an affirmative
 3 statement that they wish to remain on the service list for this proceeding, and to indicate whether they
 4 agree to receive future service via email or wish to continue to receive service by regular mail. The
 5 parties on the service list agreeing to receive service by email were also directed to include a valid
 6 email address where they will receive service. To date, the following interested parties have filed
 7 statements indicating that they agree to receive service via email at the following email addresses:¹

8
 9 kdprocto@gmail.com

Judith.Dworkin@SacksTierney.com

10 noeshomes@earthlink.net

Roxann.Gallagher@SacksTierney.com

11 d.edwards795@yahoo.com

tubaclawyer@aol.com

12 rsaborsky@cox.net

Jessica.Chester@SacksTierney.com

13 skylar_98@q.com

fgbotha45@gmail.com

14 BHerrema@bhfs.com

dpozefsky@azruco.gov

15 cynthia.campbell@phoenix.gov

cfraulob@azruco.gov

16 paul.norman@phoenix.gov

rmitchell@azcc.gov

17 law.civil.minute.entries@phoenix.gov

bhumphrey@azcc.gov

18 gregeisert@gmail.com

ahodge@azcc.gov

19 jcrockett@bhfs.com

BScamargo@azcc.gov

20 julie.bluesky@gmail.com

mvanquathem@rcalaw.com

21 Tcampbel@lrrlaw.com

lgefroh@rcalaw.com

22 Mhallam@lrrlaw.com

agervenack@bmi.net

23 Shubbard@epcor.com

24
 25
 26
 27 ¹ Given the agreement of these parties to receive service via email, all future filings should be sent to the email addresses
 28 listed below, and this list shall constitute the official service list for all future filings. However, all parties will still be
 required to file with Docket Control an original and 13 copies of each filing.

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The October 21, 2014, Procedural Order also directed the Sun City Homeowners Association (“SCHOA”) to file in the docket either: (1) specific authorization, such as a board resolution, for Mr. Eisert or another specifically named lay person meeting the requirements of Arizona Supreme Court Rule 31(d)(28) to represent SCHOA in this matter; or (2) an intervention request filed by counsel representing SCHOA in this matter.

On October 22, 2014, the SCHOA filed a Resolution authorizing Greg Eisert to represent it in this proceeding, pursuant to Arizona Supreme Court Rule 31(d)(28).

On October 22, 2014, the Commission voted at a Staff Open Meeting to conduct a public comment meeting for the Sun City and Sun City West areas.

On October 29, 2014, pursuant to Arizona Supreme Court Rule 38(a), Robert J. Saperstein, an attorney with Brownstein Hyatt Farber Schreck, LLP, filed with the Commission a Motion to Associate Counsel Pro Hac Vice for Bradley J. Herrema, also with the firm Brownstein Hyatt Farber Schreck, LLP, in the above-captioned matter, on behalf of Anthem Golf and Country Club, an intervenor in this proceeding.

IT IS THEREFORE ORDERED that public comment sessions shall be held on November 25, 2014, in Sun City and Buckeye, at the following locations and times in order to allow an opportunity for EPCOR’s customers to provide public comment:

Tuesday, November 25, 2014, at 1:00 p.m.
Sundial Center
14801 North 103rd Avenue
Sun City, AZ 85351

Tuesday, November 25, 2014, at 6:00 p.m.
Palo Verde Energy Education Center
600 North Verrado Way
Buckeye, AZ

IT IS FURTHER ORDERED that EPCOR shall provide public notice of the public comment session on this matter, in the following form and style, with the heading in no less than 18 point bold type and the body in no less than 10 point regular type:

**NOTICE OF PUBLIC COMMENT SESSIONS IN SUN CITY AND BUCKEYE,
ARIZONA FOR EPCOR WATER ARIZONA, INC. REGARDING RATE
CONSOLIDATION/DECONSOLIDATION PROPOSALS FOR POSSIBLE RATE
CHANGES FOR UTILITY SERVICE IN ALL OF ITS ARIZONA
WASTEWATER DISTRICTS.**

(DOCKET NOS. W-01303A-09-0343 AND SW-01303A-09-0343)

In Decision No. 74588, the Arizona Corporation Commission (“Commission”) ordered EPCOR Water Arizona, Inc. (“EPCOR” or “Company”) to address the rate impacts of consolidation and deconsolidation of all the Company’s wastewater districts.

**Commission Sets Local Public Comment Session in Sun City and Buckeye,
Arizona**

The Commission will hold public comment sessions on October 22, 2014, in Sun City and Buckeye, Arizona, at the following locations and times in order to allow an opportunity for EPCOR’s customers to provide public comment:

Tuesday, November 25, 2014, at 1:00 p.m.

**Sundial Center
14801 North 103rd Avenue
Sun City, AZ 85351**

Tuesday, November 25, 2014, at 6:00 p.m.

**Palo Verde Energy Education Center
600 North Verrado Way
Buckeye, AZ.**

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, and may request this document in an alternative format by contacting the ADA Coordinator, Shaylin Bernal, at 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 EPCOR shall provide a copy of the above notice, no later than November 17, 2014, to each of its customers by bill insert or separate mailing. EPCOR shall also cause a copy of the notice to be published at least once in a newspaper of general circulation in the effected service areas, with publication to occur no later than October 3, 2014.

IT IS FURTHER ORDERED that EPCOR shall file, no later than November 24, 2014, an affidavit demonstrating compliance with the notice requirements in this Procedural Order, including mailing of notice and posting of copies of the notice.

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

3 IT IS FURTHER ORDERED that **the attached email service list shall be used by the**
4 **parties for all future filings in this docket. HOWEVER, ALL PARTIES SHALL FILE WITH**
5 **DOCKET CONTROL AN ORIGINAL AND 13 COPIES OF EACH FILING.**

6 IT IS FURTHER ORDERED that **Greg Eisert is authorized to represent the SCHOA in**
7 **this proceeding, pursuant to Arizona Supreme Court Rule 31(d)(28).**

8 IT IS FURTHER ORDERED that **Bradley J. Herrema shall be admitted *pro hac vice* in**
9 **the above-captioned matter.**

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

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

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

22 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
23 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

27 ...
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1 DATED this 31st day of October, 2014.

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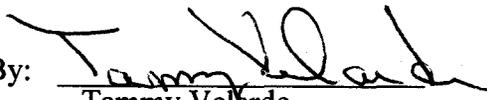
4 DWIGHT D. NODES
5 ASSISTANT CHIEF ADMINISTRATIVE
6 LAW JUDGE

7 Copies of the foregoing were emailed/delivered
8 this 31st day of October, 2014 to:

9 Tcampbel@lrrlaw.com
10 Mhallam@lrrlaw.com
11 Shubbard@epcor.com
12 Judith.Dworkin@SacksTierney.com
13 Roxann.Gallagher@SacksTierney.com
14 Jessica.Chester@SacksTierney.com
15 dpozefsky@azruco.gov
16 cfraulob@azruco.gov
17 tubaclawyer@aol.com
18 icrockett@bhfs.com
19 julie.bluesky@gmail.com
20 BHerrema@bhfs.com
21 mvanquathem@rcalaw.com
22 lgefroh@rcalaw.com
23 fgbotha45@gmail.com
24 cynthia.campell@phoenix.gov
25 paul.norman@phoenix.gov
26 law.civil.minute.entries@phoenix.gov
27 d.edwards795@yahoo.com
28 rsaborsky@cox.net
skylar_98@q.com
noeshomes@earthlink.net
kdprocto@gmail.com
agervenack@bmi.net
gregeisert@gmail.com
rmitchell@azcc.gov
bhumphrey@azcc.gov
ahodge@azcc.gov
BScamargo@azcc.gov

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

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

By: 
Tammy Velarde
Assistant to Dwight D. Nodes