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BEFORE THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

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

2014 DEC -5 P 2: 42

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

IN THE MATTER OF THE APPLICATION OF EPCOR WATER ARIZONA, INC., 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 FOR UTILITY SERVICE BY ITS MOHAVE WATER DISTRICT, PARADISE VALLEY WATER DISTRICT, SUN CITY WATER DISTRICT, TUBAC WATER DISTRICT, AND MOHAVE WASTEWATER DISTRICT.

DOCKET NO. WS-01303A-14-0010

Arizona Corporation Commission
DOCKETED

DEC 05 2014

DOCKETED BY

PROCEDURAL ORDER

BY THE COMMISSION:

On March 10, 2014, EPCOR Water Arizona, Inc. ("EPCOR" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for a determination of the fair value of its utility plant and property and for increases in its water and wastewater rates and charges for utility service by its Mohave Water District, Paradise Valley Water District, Sun City Water District, Tubac Water District, and Mohave Wastewater District.

On April 4, 2014, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency pursuant to Arizona Administrative Code ("A.A.C.") R14-2-103, and classified the Company as a Class A utility.

The hearing in this matter is currently scheduled to commence on March 9, 2014.

To date, intervention has been granted to the Residential Utility Consumer Office ("RUCO"), the Santa Cruz Valley Citizens Council, Marshall Magruder, the Town of Paradise Valley, the Water Utility Association of Arizona, Delman E. Eastes, Paradise Valley Country Club, and jointly to the Sanctuary Camelback Mountain Resort & Spa, JW Marriott Camelback Inn, and Omni Scottsdale Resort & Spa at Montelucia.

On September 11, 2014, Jim Stark, President of the Sun City Home Owners Association ("SCHOA") filed a Motion to Intervene.

1 Pursuant to Arizona Supreme Court Rule 31(d)(28), a non-profit organization may be
2 represented before the Commission by a corporate officer, employee, or a member who is not an
3 active member of the state bar, if (1) the non-profit organization has specifically authorized the
4 officer, employee, or member to represent it in the particular matter; (2) such representation is not the
5 person's primary duty to the non-profit organization, but is secondary or incidental to such person's
6 duties relating to the management or operation of the non-profit organization; and (3) the person is
7 not receiving separate or additional compensation (other than reimbursement for costs) for such
8 representation. Arizona Supreme Court Rule 31(d)(28) further states that the Commission or
9 presiding officer may require counsel in lieu of lay representation whenever it is determined that lay
10 representation is interfering with the orderly progress of the proceeding, imposing undue burdens on
11 the other parties, or causing harm to the parties represented.

12 If the SCHOA wishes for Mr. Stark or another qualified lay representative to represent it in
13 lieu of representation by counsel in this matter, SCHOA must docket specific authorization, such as a
14 board resolution, for a lay person meeting the requirements of Arizona Supreme Court Rule 31(d)(28)
15 to represent it in this matter. Without such authorization, the Commission cannot, pursuant to
16 Arizona Supreme Court Rule 31(d)(28), allow Mr. Stark or any other lay person to appear and
17 represent SCHOA in this proceeding.

18 **IT IS THEREFORE ORDERED that the intervention request of the SCHOA will be**
19 **considered once one of the following is filed in this docket: (1) specific authorization, such as a**
20 **board resolution, for Mr. Stark or another specifically named lay person meeting the**
21 **requirements of Arizona Supreme Court Rule 31(d)(28) to represent SCHOA in this matter; or**
22 **(2) an intervention request filed by counsel representing SCHOA in this matter..**

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

26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
28 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances

1 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
2 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
3 Administrative Law Judge or the Commission.

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

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

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

12 DATED this 5th day of December, 2014.

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14 
15 _____
16 DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed
18 this 5th day of December, 2014, to:

19 Thomas Campbell
20 Michael T. Hallam
21 LEWIS ROCA ROTHGERBER, LLP
22 201 East Washington Street
23 Phoenix, AZ 85004
24 Attorneys for EPCOR Water Arizona, Inc.

25 Daniel W. Pozefsky
26 RUCO
27 1110 W. Washington St., Suite 220
28 Phoenix, AZ 85007

Marshall Magruder
P.O. Box 1267
Tubac, AZ 85646-1267

Rich Bohman, President
SANTA CRUZ VALLEY CITIZENS
COUNCIL
P.O. Box 1501
Tubac, AZ 85646

Greg Patterson
WUAA
916 West Adams, Suite 3
Phoenix, AZ 85007

Delman E. Eastes
2042 E. Sandtrap Lane
Fort Mohave, AZ 86426

William F. Bennett, Legal Counsel
PARADISE VALLEY COUNTRY CLUB
7101 N. Tatum Boulevard
Paradise Valley, AZ 85253

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Robert J. Metli
MUNGER CHADWICK, P.L.C.
2398 East Camelback Road, Suite 240
Phoenix, AZ 85016
Attorneys for Sanctuary Camelback Mountain
Resort & Spa, JW Marriott Camelback Inn,
and Omni Scottsdale Resort & Spa
at Montelucia

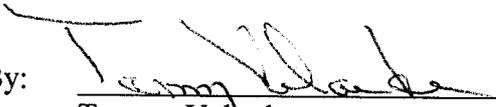
Jim Stark, President
Sun City Home Owners Association
10401 West Coggins Drive
Sun City, AZ 85351

Andrew M. Miller
Town Attorney
6401 E. Lincoln Drive
Paradise Valley, AZ 85253
Attorney for Town of Paradise Valley

Albert E. Gervenack
14751 West Buttonwood Drive
Sun City West, AZ 85375

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

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

By: 
Tammy Velarde
Assistant to Dwight D. Nodes