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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH - Chairman  
BOB STUMP  
BOB BURNS  
DOUG LITTLE  
TOM FORESE

Arizona Corporation Commission

AZ CORP COMMISSION

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IN THE MATTER OF THE APPLICATION OF RIO VERDE UTILITIES, INC. FOR APPROVAL TO EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WATER SERVICE TO SERVE RIO VERDE HIGHLANDS AND PORTIONS OF RIO VERDE UNITS TEN AND ELEVEN.

DOCKET NO. WS-02156A-14-0401

ORIGINAL

PROCEDURAL ORDER

BY THE COMMISSION:

On December 4, 2014, Rio Verde Utilities, Inc. ("Rio Verde") filed with the Arizona Corporation Commission ("Commission") an application for approval to extend its Certificate of Convenience and Necessity ("CC&N") to provide water utility service by adding approximately 48.72 acres in an area contiguous to Rio Verde's current CC&N service area and located approximately 5 miles north of Fountain Hills and 5.5 miles east of Scottsdale in Maricopa County. The CC&N extension area includes approximately 52 residential lots and is located entirely within the northern portion of Section 7, Township 4 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County. With the addition of the CC&N extension area, Rio Verde's water CC&N service area would become coterminous with Rio Verde's existing wastewater CC&N service area. Rio Verde has been providing water utility service to the property owners within the CC&N extension area for a number of years and only recently determined that the proposed extension area had been excluded from its water CC&N service area. Rio Verde does not need any additional plant facilities to provide service and intends to continue charging its existing rates and charges in the CC&N extension area pursuant to its filed tariffs.

On December 9, 2014, Rio Verde filed a Supplement to Application.

1 On January 5, 2015, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter  
 2 stating that Rio Verde's application had met the sufficiency requirements outlined in the Arizona  
 3 Administrative Code.

4 Thus, it is now appropriate to establish the procedural schedule and requirements for this  
 5 matter.

6 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall  
 7 commence on **March 18, 2015, at 10:00 a.m.**, or as soon thereafter as is practicable, in Hearing  
 8 Room No. 1 at the Commission's offices, 1200 West Washington, Arizona 85007.

9 IT IS FURTHER ORDERED that **Rio Verde shall provide public notice of the hearing** in  
 10 this matter, in the following form and style, with the heading in no less than 10-point bold type and  
 11 the body in no less than 8-point regular type:

12 **IN THE MATTER OF THE APPLICATION OF RIO VERDE UTILITIES, INC.**  
 13 **FOR APPROVAL TO EXTEND ITS CERTIFICATE OF CONVENIENCE**  
 14 **AND NECESSITY FOR WATER SERVICE TO SERVE RIO VERDE**  
 15 **HIGHLANDS AND PORTIONS OF RIO VERDE UNITS TEN AND ELEVEN.**  
 16 **(DOCKET NO. WS-02156A-14-0401)**

17 **Summary**

18 On December 4, 2014, Rio Verde Utilities, Inc. ("Rio Verde") filed with the Arizona  
 19 Corporation Commission ("Commission") an application for approval to extend its  
 20 Certificate of Convenience and Necessity ("CC&N") to provide water utility service by  
 21 adding approximately 48.72 acres in an area contiguous to Rio Verde's current CC&N  
 22 service area and located approximately 5 miles north of Fountain Hills and 5.5 miles east  
 23 of Scottsdale in Maricopa County. The CC&N extension area includes approximately 52  
 24 residential lots and is located entirely within the northern portion of Section 7, Township  
 25 4 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County.  
 26 With the addition of the CC&N extension area, Rio Verde's water CC&N service area  
 27 would become coterminous with Rio Verde's existing wastewater CC&N service area.  
 28 Rio Verde has been providing water utility service to the property owners within the  
 CC&N extension area for a number of years and only recently determined that the area  
 had been excluded from its water CC&N service area. Rio Verde does not need any  
 additional plant facilities to provide service and intends to continue charging its existing  
 rates and charges in the CC&N extension area pursuant to its filed tariffs.

The Commission's Utilities Division ("Staff") is in the process of auditing and analyzing  
 the application, and has not yet made any recommendations regarding Rio Verde's  
 application. The Commission is not bound by the proposals made by Rio Verde, Staff, or  
 any intervenors. The Commission will issue a Decision regarding the application  
 following consideration of testimony and evidence presented at an evidentiary hearing.

**How You Can View or Obtain a Copy of the Application**

Copies of the application are available from Rio Verde [COMPANY INSERT HOW  
 AND WHERE AVAILABLE] and at the Commission's Docket Control Center at 1200  
 West Washington, Phoenix, Arizona, for public inspection during regular business hours,

1 and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket  
2 function.

### 3 **Public Hearing Information**

4 The Commission will hold a hearing on this matter beginning **March 18, 2015, at 10:00**  
5 **a.m.**, in Hearing Room No. 1, at the Commission's offices at 1200 West Washington  
6 Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of  
7 hearing. Written public comments may be submitted at any time on the Commission's  
8 website ([www.azcc.gov](http://www.azcc.gov)) using the "Submit a Public Comment" button or by mailing a  
9 letter, referencing **Docket No. WS-02156A-14-0401**, to: Arizona Corporation  
10 Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.  
11 If you require assistance, you may contact the Consumer Services Section at 1-800-222-  
12 7000 or 602-542-4251.

### 13 **About Intervention**

14 Any person entitled by law to intervene and having a direct and substantial interest in the  
15 matter will be permitted to intervene. The granting of intervention entitles a person to  
16 participate as a party at hearing by presenting sworn evidence and cross-examining other  
17 party's witnesses. **If you wish to intervene, you must file an original and 13 copies of**  
18 **a written motion to intervene with the Commission's Docket Control Center no later**  
19 **than February 23, 2015, and send a copy of the motion to Rio Verde or its counsel**  
20 **and to all parties of record.** Contact information may be obtained using the  
21 Commission's e-Docket function.

22 Your motion to intervene must contain the following:

- 23 1. Your name, address, and telephone number, and the name, address, and telephone  
24 number of any person upon whom service of documents is to be made, if not  
25 yourself;
- 26 2. A short statement of your interest in the proceeding (e.g., a customer of Rio  
27 Verde, a shareholder of Rio Verde, a property owner in the proposed CC&N  
28 extension area, etc.);
- 29 3. A statement certifying that you have mailed a copy of the motion to intervene to  
30 Rio Verde or its counsel and to all parties of record in the case; and
- 31 4. If you are not represented by an attorney who is an active member of the Arizona  
32 State Bar, and you are not representing yourself as an individual, information and  
33 any appropriate documentation demonstrating compliance with Arizona Supreme  
34 Court Rules 31, 38, and 42, as applicable.

35 The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all  
36 motions to intervene must be filed on or before February 23, 2015. If representation by  
37 counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned  
38 upon the intervenor obtaining counsel to represent the intervenor. A sample intervention  
39 request form is available at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

40 If you do not intervene, you will receive no further notice of the proceedings in this  
41 docket. **However, all documents filed in this docket are available online** (usually  
42 within 24 hours after docketing) at the Commission's website, [www.azcc.gov](http://www.azcc.gov), using the  
43 e-Docket function. RSS feeds are also available through e-Docket. Failure to intervene  
44 will not preclude any interested person from appearing at the hearing and providing  
45 public comment or from filing written comments in the record of the case.

### 46 **ADA/Equal Access Information**

47 The Commission does not discriminate on the basis of disability in admission to its public  
48 meetings. Persons with a disability may request a reasonable accommodation such as a  
49 sign language interpreter, as well as request this document in an alternative format, by  
50 contacting the ADA Coordinator, Shaylin Bernal, E-mail [SAbernal@azcc.gov](mailto:SAbernal@azcc.gov), voice

1 phone number 602-542-3931. Requests should be made as early as possible to allow  
time to arrange the accommodation.

2 IT IS FURTHER ORDERED that **Rio Verde shall mail a copy of the above notice via First**  
3 **Class U.S. Mail to each property owner in the proposed extension area** and shall cause the above  
4 notice to be published at least once in a newspaper of general circulation in the proposed extension  
5 area, with **publication and mailing** to be completed no later than **February 2, 2015**.

6 IT IS FURTHER ORDERED that **Rio Verde shall file certification of mailing and**  
7 **publication** as soon as practicable after mailing/publication has been completed, but no later than  
8 **February 23, 2015**.

9 IT IS FURTHER ORDERED that **notice shall be deemed complete upon mailing/**  
10 **publication**, notwithstanding the failure of an individual to read or receive the notice.

11 IT IS FURTHER ORDERED that the **Staff Report and any associated exhibits** to be  
12 presented at hearing shall be reduced to writing and filed on or before **February 9, 2015**.

13 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be reduced to  
14 writing and filed on or before **February 23, 2015**.

15 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
16 105, except that all motions to intervene must be filed on or before **February 23, 2015**.

17 IT IS FURTHER ORDERED that any **motion to intervene shall conform** to the  
18 requirements of A.A.C. R14-3-105 and this Procedural Order.

19 IT IS FURTHER ORDERED that any **objections to any Motions to Intervene** shall be filed  
20 on or before **March 2, 2015**.

21 IT IS FURTHER ORDERED that any motion, other than a Motion to Intervene, that is filed  
22 in this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall  
23 be deemed denied.

24 IT IS FURTHER ORDERED that any response to a motion other than a motion to intervene  
25 shall be filed within five calendar days of the filing date of the motion.

26 IT IS FURTHER ORDERED that any reply shall be filed within five calendar days of the  
27 filing date of the response.

28

1 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all  
2 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter  
3 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a  
4 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to  
5 receive service, an e-mail request including the name of the party on whom service is to be made and  
6 the docket number for this matter. After a party receives an e-mail confirmation of its request from  
7 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders  
8 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless  
9 and until the party withdraws its request. Service of a document via e-mail shall be considered  
10 complete upon the sending of an e-mail containing the document to the e-mail address provided by a  
11 party, regardless of whether the party receives or reads the e-mail containing the document.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
13 Communications) applies to this proceeding as the matter is now set for public hearing, and shall  
14 remain in effect until the Commission's Decision in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
16 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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DATED this 7<sup>th</sup> day of January, 2015.

  
SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

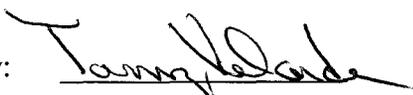
Copies of the foregoing mailed  
this 7<sup>th</sup> day of January, 2015, to:

Craig Marks  
Craig A. Marks, PLC  
10645 N. Tatum Blvd., Suite 200-676  
Phoenix, AZ 85028

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

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

COASH & COASH, INC.  
Court Reporting, Video and Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006

By:   
Tammy Velarde  
Assistant to Sarah Harpring