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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

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DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WINDSONG REALTY, INC. FOR  
APPROVAL TO TRANSFER ASSETS AND  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY.

DOCKET NO. W-02250A-14-0376  
DOCKET NO. W-20919A-14-0376

**PROCEDURAL ORDER**  
**(Schedules Hearing)**

**BY THE COMMISSION:**

On October 28, 2014, Arizona Windsong Realty, Inc. ("Windsong Realty") filed with the Arizona Corporation Commission ("Commission") an application for approval to transfer utility assets and Certificate of Convenience and Necessity ("CC&N") to Arizona Windsong Water Co. ("Windsong Water") ("Application").<sup>1</sup>

On November 21, 2014, Windsong Water filed verification from Lillie Paulsell, president and secretary of Windsong Water, attesting that the contents of the Application were true and correct to the best of her ability.

On November 26, 2014, the Commission's Utilities Division ("Staff") issued a letter of sufficiency stating that the Application had met the sufficiency requirements outlined in the Arizona Administrative Code ("A.A.C.").

On December 2, 2014, Windsong Water filed a Certificate of Good Standing with the Commission's Corporations Division.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that a **hearing** shall commence on **March 18, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington

<sup>1</sup> The Commission ordered Windsong Realty to file an application for approval to transfer utility assets and CC&N to Windsong Water in Decision No. 74597 (July 30, 2014).

1 Street, Hearing Room No. 2, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that Staff shall prepare a written **Staff Report and associated**  
3 **exhibits** to be presented at hearing and file copies of them with Docket Control on or before 4:00  
4 p.m. on **March 6, 2015**.

5 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
6 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on  
7 **March 16, 2015**.

8 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
9 105, except that all motions to intervene must be filed on or before **February 20, 2015**.

10 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed by  
11 **March 6, 2015**.

12 IT IS FURTHER ORDERED that Arizona Windsong Realty, Inc. shall provide **public notice**  
13 of the hearing in this matter, in the following form and style:

14 **IN THE MATTER OF THE APPLICATION OF ARIZONA WINDSONG**  
15 **REALTY, INC. FOR APPROVAL TO TRANSFER ASSETS AND**  
16 **CERTIFICATE OF CONVENIENCE AND NECESSITY.**  
**DOCKET NOS. W-02250A-14-0376 AND W-20919A-14-0376**

17 On October 28, 2014, Arizona Windsong Realty, Inc. ("Applicant") filed with the  
18 Arizona Corporation Commission ("Commission") an application for approval to  
19 transfer assets and Certificate of Convenience and Necessity ("CC&N") to Arizona  
20 Windsong Water Co. ("Application"). The Application is available for inspection  
during regular business at the Commission's offices, 1200 West Washington  
Street, Phoenix, Arizona, and at the offices of the Applicant, [insert address], and on  
the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

21 The Commission will hold a hearing on this matter commencing on **March 18,**  
22 **2015, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,  
Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first  
day of the hearing.

23 The law provides for an open public hearing at which, under appropriate  
24 circumstances, interested parties may intervene. Intervention shall be permitted to  
25 any person entitled by law to intervene and having a direct and substantial interest in  
26 the matter. Persons desiring to intervene must file a written motion to intervene with  
the Commission, which motion should be sent to Applicant or its counsel and to all  
parties of record, and which, at the minimum, shall contain the following:

- 27 1. The name, address, and telephone number of the proposed  
28 intervenor and of any party upon whom service of documents is to  
be made if different than the intervenor;

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicant, etc.);
3. A statement certifying that you have mailed a copy of the motion to intervene to the Applicant or its counsel and to all parties of record in the case; and
4. If the proposed intervenor is not represented by an attorney who is an active member of the Arizona State Bar, and is not an individual representing himself or herself, information and any appropriate documentation demonstrating the intervenor's compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

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 February 20, 2015.** The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested party from appearing at the hearing and making a statement on such person's own behalf.

If you would like to file written comments, want further information on intervention, or have any questions about the Application, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

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, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Arizona Windsong Realty, Inc. shall cause the above notice to be mailed to the customers and published at least once in a newspaper of general circulation in the service territory, with publication to be completed no later than **February 6, 2015.**

IT IS FURTHER ORDERED that Arizona Windsong Realty, Inc. shall file certification of publication as soon as practicable after the publication has been completed, but not later than **February 27, 2015.**

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

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

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac*

1 vice.

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

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

11 DATED this 8<sup>th</sup> day of January, 2015.

12   
13 \_\_\_\_\_  
14 SCOTT M. HESLA  
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered  
16 this 8<sup>th</sup> day of January 2015, to:

17 Timothy Sabo  
18 ROSHKA, DeWULF & PATTEN, PLC  
19 One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, AZ 85004  
Attorney for Arizona Windsong Water Co.

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

20 Janice Alward, Chief Counsel  
21 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
22 Phoenix, AZ 85007

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

23 By: Rebecca Unquera  
24 Rebecca Unquera  
25 Assistant to Scott M. Hesla  
26  
27  
28