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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COMMISSION
DOCKET CONTROL

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

DOCKETED

JAN 26 2015

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ORIGINAL

IN THE MATTER OF THE PETITION OF
ARIZONA WATER COMPANY FOR AN
INCREASE OF AREA TO BE SERVED AT
CENTRAL HEIGHTS, ARIZONA.

DOCKET NO. W-01445A-14-0305

PROCEDURAL ORDER
(Reschedules Status Conference)

BY THE COMMISSION:

On September 20, 1961, the Arizona Corporation Commission ("Commission") issued Decision No. 33424, granting Arizona Water Company ("AWC" or "Company") a Certificate of Convenience and Necessity ("CC&N") to serve various areas in Gila County, Arizona.

On August 18, 2014, the City of Globe ("Globe" or "City") filed a Petition to Amend Decision No. 33424 pursuant to A.R.S. § 40-252, requesting that the Commission remove portions of AWC's CC&N that the City states it has provided water service to since the early 1900s.

At the Commission's Staff Meeting on October 16, 2014, the Commissioners voted to reopen Decision No. 33424 pursuant to A.R.S. § 40-252, and instructed the Commission's Hearing Division to conduct further proceedings on the matter.

On October 30, 2014, by Procedural Order, a procedural conference was set for November 10, 2014 to discuss the procedural schedule to be followed in this matter.

On November 5, 2014, the parties filed a Joint Motion to Continue the Procedural Conference scheduled for November 10, 2014.

On November 6, 2014, by Procedural Order, the parties' Motion to Continue was granted and the procedural conference scheduled for November 10, 2014, was continued until January 6, 2015.

On January 2, 2015, AWC filed a Request to Appear Telephonically for the procedural conference.

On January 6, 2015, the procedural conference was convened as scheduled. Globe and Staff

1 appeared through counsel. AWC appeared telephonically through counsel. During the procedural
2 conference, proposed procedural deadlines, the possibility of settlement, and the need for a proposed
3 form of notice and the need for maps of the disputed areas were discussed.

4 On January 9, 2015, by Procedural Order, a status conference was scheduled to commence on
5 March 9, 2015, and other deadlines were established.

6 On January 16, 2015, AWC filed a Motion to Dismiss Petition to Amend Decision 33424
7 Pursuant to A.R.S. § 40-252, asserting the City failed to plead the requisite elements of law for the
8 relief sought, citing to *James P. Paul Water Co. v. Arizona Corp. Comm'n*, 137 Ariz. 426, 671 P.2d
9 404 (1983). AWC requests that the Commission dismiss the City's petition with prejudice for failure
10 to state a claim under Arizona Rules of Civil Procedure Rule 12(b)(6) and the Commission's Rules of
11 Practice.

12 On January 16, 2015, Globe filed a Joint Request to Change Procedural Conference Date due
13 to scheduling conflicts among the parties.

14 IT IS THEREFORE ORDERED that a **status conference currently scheduled for March 9,**
15 **2015, at 10:00 a.m. shall be rescheduled to March 4, 2015 at 10:00 a.m.,** or as soon thereafter as is
16 practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix,
17 Arizona.

18 IT IS FURTHER ORDERED that Globe, AWC, and Staff each shall be prepared at the status
19 conference to give oral argument relating to AWC's Motion to Dismiss, to provide an update of any
20 settlement discussions, and to recommend a proposed procedural schedule.

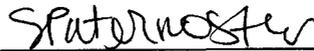
21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
23 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
24 all hearings, procedural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

27 ...

28 ...

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

4 DATED this 26th day of January, 2015.

5
6 
7 SASHA PATERNOSTER
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 26th day of January, 2015 to:

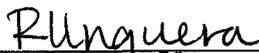
11 Garry D. Hays
12 The Law Offices of Garry D. Hays, PC
13 1702 E. Highland Ave., Suite 204
14 Phoenix, AZ 85016
15 Attorney for City of Globe

16 Steve Hirsch
17 Bryan Cave, LLP
18 One Renaissance Square
19 2 North Central Ave., Suite 2200
20 Phoenix, AZ 85004-4406
21 Attorney for Arizona Water Company

22 Janice Alward, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, AZ 85007

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

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

29 By: 
30 Rebecca Unquera
31 Assistant to Sasha Paternoster