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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

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SUSAN BITTER SMITH - Chairman
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DOUG LITTLE
TOM FORESE

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
EPCOR WATER ARIZONA, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
UTILITY SERVICE IN MARICOPA COUNTY,
ARIZONA.

DOCKET NO. WS-01303A-15-0018

ORIGINAL

PROCEDURAL ORDER

BY THE COMMISSION:

On January 27, 2015, EPCOR Water Arizona, Inc. ("EPCOR") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide wastewater service in Maricopa County to approximately 32 separately described contiguous and noncontiguous portions of land, together totaling 4,414.36 acres, all located in an area surrounding State Route 303 between Camelback Road and Peoria Avenue ("Service Area"). The Service Area has a western most boundary of 183rd Avenue and an eastern most boundary of 143rd Avenue and includes several parcels in close proximity to Luke Air Force Base. EPCOR intends to construct and operate a regional wastewater reclamation facility to cover the Service Area. The Service Area is expected to include three new developments known as Granite Vista, Cordillera, and Allen Ranches, and to experience additional rapid growth. In its CC&N application, EPCOR proposes monthly minimum charges of \$50 for residential customers and of \$50 or more, based on water meter size, for nonresidential customers. In addition, EPCOR proposes a commodity rate of \$5.32 per 1,000 gallons of water usage, capped at 8,000 gallons for residential customers and at 10,000 to 15,000 gallons for nonresidential customers with 1-inch and smaller meter sizes. EPCOR also proposes miscellaneous service charges and service line connection charges. EPCOR and Adaman Mutual Water Company ("Adaman") are currently authorized to provide water

1 utility service in different portions of the Service Area.¹

2 On February 13, 2015, EPCOR filed a Notice of Errata including replacement pages and
3 supporting documents for its CC&N application.

4 On February 26, 2015, the Commission’s Utilities Division (“Staff”) issued a Letter of
5 Sufficiency stating that EPCOR’s application has met the sufficiency requirements outlined in the
6 Arizona Administrative Code (“A.A.C.”).

7 Thus, it is now necessary to schedule the evidentiary hearing and establish the other
8 procedural requirements to govern the process for this matter.

9 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **May 6,**
10 **2015, at 10:00 a.m.,** or as soon thereafter as is practicable, at the Commission’s offices, Hearing
11 Room No. 1, 1200 West Washington, Phoenix, Arizona 85007.

12 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
13 105, except that all motions to intervene must be filed on or before **April 21, 2015.**

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

16 IT IS FURTHER ORDERED that any **objections to intervention** shall be filed on or before
17 **April 30, 2015.**

18 IT IS FURTHER ORDERED that **EPCOR shall, by April 1, 2015, mail** a copy of the
19 following notice by first class U.S. Mail to **Adaman, to any other water utility** authorized to
20 provide service within the Service Area, and to **each owner of land** within the Service Area **and**
21 **cause the following notice to be published in a newspaper(s) of general circulation** in the Service
22 Area, in the following form and style, with the heading in no less than 10-point bold type and the
23 body in no less than 8-point regular type:

24 ...
25 ...

26 _____
27 ¹ It does not appear that Adaman has been provided notice of the CC&N application. Because the Service Area
28 includes Adaman’s authorized service area, Adaman should be provided such notice. EPCOR’s proposed tariff would
apparently rely upon water usage data provided by Adaman for Service Area customers included within Adaman’s
service area.

**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF
EPCOR WATER ARIZONA, INC. FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER
UTILITY SERVICE IN MARICOPA COUNTY, ARIZONA.
(Docket No. WS-01303A-15-0018)**

Summary

On January 27, 2015, EPCOR Water Arizona, Inc. ("EPCOR") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide wastewater service to approximately 32 separately described contiguous and noncontiguous portions of land, together totaling 4,414.36 acres, all located in Maricopa County in an area surrounding State Route 303 between Camelback Road and Peoria Avenue ("Service Area"). The Service Area has a western most boundary of 183rd Avenue and an eastern most boundary of 143rd Avenue and includes several parcels in close proximity to Luke Air Force Base. EPCOR intends to construct and operate a regional wastewater reclamation facility to cover the Service Area. The Service Area is expected to include three new developments known as Granite Vista, Cordillera, and Allen Ranches, and to experience additional rapid growth. In its CC&N application, EPCOR proposes monthly minimum charges of \$50 for residential customers and of \$50 or more, based on water meter size, for nonresidential customers. In addition, EPCOR proposes a commodity rate of \$5.32 per 1,000 gallons of water usage, capped monthly at 8,000 gallons for residential customers and at 10,000 to 15,000 gallons for nonresidential customers served by 1-inch and smaller meters. EPCOR also proposes to implement miscellaneous service charges and service line connection charges. EPCOR and Adaman Mutual Water Company ("Adaman") are currently authorized to provide water utility service in different portions of the Service Area.

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

How You Can View or Obtain a Copy of the Application

Copies of the application are available from EPCOR [COMPANY INSERT HOW AND WHERE AVAILABLE] and at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona 85007, for public inspection during regular business hours, and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Public Hearing Information

The Commission will hold a hearing on this matter beginning **May 6, 2015, at 10:00 a.m.**, in Hearing Room No. 1, at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing. Written public comments may be submitted at any time on the Commission's website (www.azcc.gov) using the "Submit a Public Comment" function or by mailing a letter, referencing **Docket No. WS-01303A-15-0018**, to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

About Intervention

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

Your motion to intervene must contain the following:

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

The granting of motions to intervene is governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before April 21, 2015. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. A sample intervention request form is available at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

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

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, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail 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 file certification of mailing and publication as soon as practicable after the mailing and publication has been completed, but no later than April 21, 2015.

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

3 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to
4 be presented at the hearing on or before **April 10, 2015**.

5 IT IS FURTHER ORDERED that any **objection or response to the Staff Report** from
6 EPCOR or any intervenor shall be made in writing and filed on or before **April 24, 2015**.

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

18 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
19 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

23 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
24 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
25 motion shall be deemed denied.

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

28

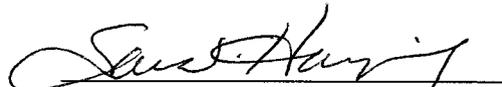
1 IT IS FURTHER ORDERED that any reply related to a motion shall be filed within five
2 calendar days of the filing date of the response to the motion.

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

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

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

14 DATED this 10th day of March, 2015.

15
16 
17 SARAH N. HARPRING
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 10th day of March, 2015, to:

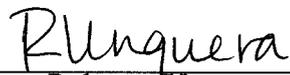
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23 Frank T. Metzler, PMP
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By: 
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