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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

IN THE MATTER OF THE APPLICATION OF
TIERRA BUENA WATER COMPANY, INC. FOR
APPROVAL OF FINANCING.

DOCKET NO. W-02076A-15-0024

IN THE MATTER OF THE APPLICATION OF
TIERRA BUENA WATER COMPANY, INC. FOR
A RATE INCREASE.

DOCKET NO. W-02076A-15-0135

PROCEDURAL ORDER

On January 29, 2015, in Docket No. W-02076A-15-0024 ("Financing Docket"), Tierra Buena Water Company, Inc. ("Tierra Buena" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of financing. The financing for which approval is requested is an \$899,506 loan from the Water Infrastructure Finance Authority of Arizona ("WIFA"), the proceeds of which would be used to: (1) construct a metered interconnection with Valley Utilities Water Company, Inc.; (2) rehabilitate Well No. 2; and (3) construct an arsenic treatment facility.

On February 17, 2015, in the Financing Docket, the Company filed an affidavit certifying that notice of the financing application was mailed to its customers on February 10, 2015.

On February 26, 2015, in the Financing Docket, the Company filed an affidavit of publication verifying that notice of the financing application was published in the *West Valley View* and *West Valley Business* on February 17, 2015.

On March 11, 2015, the Company filed revised balance sheets in the Financing Docket.

On April 24, 2015, in Docket No. W-02076A-15-0135 ("Rate Docket"), the Company filed an application for a permanent rate increase.

1 On May 20, 2015, in the Rate Docket, the Commission's Utilities Division ("Staff") filed a
2 Letter of Deficiency indicating that the rate application did not meet the sufficiency requirements
3 outlined in the Arizona Administrative Code ("A.A.C.") R14-2-103.

4 On June 2, 2015, the Company filed a Response to Deficiency Letter in the Rate Docket.

5 On June 19, 2015, Staff filed a Letter of Sufficiency in the Rate Docket, stating that the
6 Company's rate application had met the sufficiency requirements outlined in A.A.C. R14-2-103 and
7 classifying Tierra Buena as a Class E utility. Staff further stated that its Staff Report would be filed
8 on or before August 18, 2015.

9 On June 22, 2015, Staff filed a Motion to Consolidate and Request for Procedural Order
10 ("Motion") in each of the two dockets, requesting a procedural order to consolidate the Financing
11 Docket and Rate Docket and establish a procedural schedule.¹ According to Staff, the issues
12 presented in both dockets are interrelated and consolidation would reduce processing time and cost.
13 Staff states that consolidation is in the best interest of the Commission, Staff, and the Company, and
14 that no party would be prejudiced by consolidation. The Company did not file an objection to the
15 Motion.

16 The matters in the above-captioned dockets are substantially related, and the rights of the
17 parties will not be prejudiced by consolidation. Since consolidation would promote administrative
18 efficiency and economy, and there being no objection, it is reasonable and appropriate to consolidate
19 the Financing Docket and Rate Docket.

20 IT IS THEREFORE ORDERED that Docket Nos. **W-02076A-15-0024** and **W-02076A-15-**
21 **0135** are hereby **consolidated**.

22 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits on
23 or before **August 18, 2015**.

24 IT IS FURTHER ORDERED that any **objections or response to the Staff Report** shall be
25 made in writing and filed on or before **September 1, 2015**.

26
27
28 ¹ Staff did not propose filing dates in conjunction with its request for a procedural schedule.

1 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to
2 this matter may opt to receive service of all filings in this docket, including all filings by parties and
3 all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
4 Commission's Hearing Division, via email sent to an email address provided by the party rather than
5 via U.S. Mail. To exercise this option, a party shall:

- 6 1. Ensure that the party has a valid and active email address to which the party has
7 regular and reliable access ("designated email address");
- 8 2. Complete a Consent to Email Service form, available on the Commission's website
9 (www.azcc.gov);
- 10 3. File the original and 13 copies of the Consent to Email Service form with the
11 Commission's Docket Control, also providing service to each party to the service list;
- 12 4. Send an email, containing the party's name and the docket number for this matter, to
13 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to
14 allow the Hearing Division to verify the validity of the designated email address;
- 15 5. Understand and agree that service of a document on the party shall be complete upon
16 the sending of an email containing the document to the designated email address,
17 regardless of whether the party receives or reads the email containing the document;
18 and
- 19 6. Understand and agree that the party will no longer receive service of filings in this
20 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
21 and until the party withdraws this consent through a filing made in this docket.

22 IT IS FURTHER ORDERED that a party's consent to email service shall not become
23 effective until a Procedural Order is issued approving the use of email service for the party. The
24 Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the
25 Hearing Division has verified receipt of an email from the party's designated email address.

26 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this
27 matter via email does not change the requirement that all filings with the Commission's Docket
28 Control must be made in hard copy and must include an original and 13 copies.

1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38,
2 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

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

15 DATED this 8th day of July, 2015.



18 _____
SCOTT M. HESLA
19 ADMINISTRATIVE LAW JUDGE

20
21
22 Copies of the foregoing mailed/delivered
this 8th day of July, 2015 to:

23 Steve Wene
24 MOYES SELLERS & HENDRICKS LTD.
1850 N. Central Avenue, Suite 1100
25 Phoenix, AZ 85004
Attorneys for Tierra Buena Water Company, Inc.

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

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Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
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By: 

Tammy Velarde
Assistant to Scott M. Hesla