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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS Arizona Corporation Commission

2015 AUG 28 P 12: 50

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

DOCKETED

AUG 28 2015

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY MUB

IN THE MATTER OF THE APPLICATION OF BOX 1, INC. DBA LAZY C WATER SERVICE, INC. FOR AN EXTENSION OF ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-01536A-15-0269

PROCEDURAL ORDER

BY THE COMMISSION:

On July 23, 2015, Box 1, Inc. d/b/a Lazy C Water Service, Inc. ("Lazy C"), filed an application with the Arizona Corporation Commission ("Commission") for an extension of its existing Certificate of Convenience and Necessity.

On August 24, 2015, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket indicating the application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

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 the hearing in the above-captioned matter shall be held on November 12, 2015, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before October 9, 2015.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before October 16, 2015.

IT IS FURTHER ORDERED that any objections to the Staff Report or to any Motions to Intervene shall be filed on or before October 30, 2015.

IT IS FURTHER ORDERED that the Applicants shall mail to each customer and property

1 **owner or property owner representative** in the CC&N area a copy of the notice set forth below,
2 and shall cause it to be published in a newspaper of general circulation in the service territory, with
3 publication and mailing to be completed no later than **September 23, 2015**.

4 IT IS FURTHER ORDERED that the Applicants shall **file certification of mailing and**
5 **publication** as soon as practicable after the mailing/publication has been completed, but not later
6 than **October 7, 2015**.

7 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
8 publication of same, notwithstanding the failure of an individual customer or property owner to read
9 or receive the notice.

10 IT IS FURTHER ORDERED that the Applicants shall provide public notice of the hearing in
11 this matter, in the following form and style with the heading in no less than 14-point bold type and
12 the body in no less than 10-point regular type:

13 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
14 **BOX 1, INC. DBA LAZY C WATER SERVICE, INC. FOR AN EXTENSION OF ITS**
15 **EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY.**
16 **(Docket No. W-01536A-15-0269)**

17 **Summary**

18 On July 23, 2015, Box 1, Inc. d/b/a Lazy C Water Service, Inc. ("Company") filed
19 with the Arizona Corporation Commission ("Commission") an application for an
20 extension of its existing Certificate of Convenience and Necessity. The Commission's
21 Utilities Division ("Staff") has not yet made a recommendation regarding the
22 application, and the Commission is not bound by the proposals made by the Company,
23 Staff, or any intervenors. The Commission will issue a decision regarding the
24 Company's application following consideration of testimony and evidence presented
25 at an evidentiary hearing.

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

27 Copies of the application are available at the Company's offices [COMPANY
28 INSERT ADDRESS HERE] and the Commission's offices at 1200 West
Washington, Phoenix, Arizona, and the Commission's Tucson offices at 400 West
Congress, for public inspection during regular business hours and on the internet via
the Commission website (www.azcc.gov) using the e-docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **November 12, 2015, at 10:00 a.m.**, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona. Public comments will be taken on the first day of the hearing.

Written public comments may be submitted by mailing a letter referencing **Docket No. W-01536A-15-0269** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the

1 Commission's website (www.azcc.gov) using the "Submit a Public Comment for a
2 Utility" function. If you require assistance, you may contact the Consumer Services
3 Section at (800) 222-7000 or (520) 628-6550.

3 **About Intervention**

4 The law provides for an open public hearing at which, under appropriate
5 circumstances, interested persons may intervene. An interested person may be granted
6 intervention if the outcome of the case will directly and substantially impact the
7 person, and the person's intervention will not unduly broaden the issues in the case.
8 Intervention, among other things, entitles a party to present sworn evidence at hearing
9 and to cross-examine other parties' witnesses. However, failure to intervene will not
10 preclude any interested person or entity from appearing at the hearing and providing
11 public comment on the application or from filing written comments in the record of
12 the case.

13 To request intervention, you must file an **original and 13 hard copies** of a written
14 request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007,
15 **no later than October 16, 2015**. You also **must** serve a copy of the request to
16 intervene on each party of record on the same day that you file the request to intervene
17 with the Commission. Information about intervention and sample intervention requests
18 are available on the Commission's website (www.azcc.gov) using the "Intervention in
19 Utility Cases" link.

20 Your request to intervene must contain the following:

- 21 1. Your name, address, and telephone number, and the name, address, and
22 telephone number of any person upon whom service of documents is to be made,
23 if not yourself;
- 24 2. A reference to **Docket No. W-01536A-15-0269**;
- 25 3. A short statement explaining:
 - 26 a. Your interest in the proceeding (e.g., a customer of the utility, a
27 shareholder of the utility, etc.),
 - 28 b. How you will be directly and substantially affected by the outcome of the
case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
- 29 4. A statement certifying that you have served a copy of the request to intervene on
the utility or its attorney and all other parties of record in the case; and
- 30 5. 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, sufficient
information and any appropriate documentation to demonstrate compliance with
Arizona Supreme Court Rules 31, 38, and 42, as applicable.

31 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
32 that all motions to intervene must be filed on or before **October 16, 2015**. If
33 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
34 will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

35 **ADA/Equal Access Information** The Commission does not discriminate on the basis
36 of disability in admission to its public meetings. Persons with a disability may request
37 a reasonable accommodation such as a sign language interpreter, as well as request this
38 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.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

6 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
7 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
8 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
9 30 days of the date of this Procedural Order.

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

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

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

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

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

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

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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 28th day of August, 2015.

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8 BELINDA A. MARTIN
9 ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 28th day of August, 2015, to:

11 Rebecca C. Hiser
12 BOX 1, INC. DBA
13 LAZY C WATER SERVICE
14 P. O. BOX 1
15 Tucson, AZ 85702

14 Patrick Farrell
15 FARRELL & BROMIEL, P.C.
16 One South Church Avenue, Suite 2130
17 Tucson, AZ 85701

17 Janice Alward, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
20 1200 West Washington Street
21 Phoenix, AZ 85007

20 Thomas Broderick, Director
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
23 1200 West Washington
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23 COASH & COASH, INC.
24 Court Reporting, Video and
25 Videoconferencing
26 1802 North 7th Street
27 Phoenix, AZ 85006

26 By: 
27 Tammy Velarde
28 Assistant to Belinda A. Martin