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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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OCT 6 2015

COMMISSIONERS

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

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AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF LIBERTY UTILITIES (BLACK MOUNTAIN SEWER) CORP., AN ARIZONA CORPORATION, FOR AUTHORITY TO ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$3,400,000.

DOCKET NO. SW-02361A-15-0206

IN THE MATTER OF THE APPLICATION OF LIBERTY UTILITIES (BLACK MOUNTAIN SEWER) CORP., AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WASTEWATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. SW-02361A-15-0207

**PROCEDURAL ORDER**  
(Grants Intervention)

**BY THE COMMISSION:**

On June 22, 2015, Liberty Utilities (Black Mountain Sewer) Corp. ("Liberty") filed with the Arizona Corporation Commission ("Commission"), in Docket No. SW-02361A-15-0206, an application requesting authority from the Commission to issue evidence of indebtedness in a total amount not to exceed \$3,400,000 ("Finance Docket").

Also on June 22, 2015, Liberty filed with the Commission, in Docket No. SW-02361A-15-0207, an application requesting that the Commission establish the fair value of its plant and property used for the provision of public wastewater utility service and, based on such finding, approve permanent rates and charges for utility service designed to produce a fair return thereon using a test year ending December 31, 2014 ("Rates Docket").

On June 23, 2015, Liberty filed Motions to Consolidate in both the Finance Docket and the Rates Docket. Liberty stated that, by consolidating both proceedings, resources would be better utilized as both dockets are "inextricably linked."

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1 On July 6, 2015, by Procedural Order, the above captioned dockets were consolidated.

2 On July 15, 2015, Liberty filed an Amendment to its Application.

3 On July 16, 2015, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency  
4 stating that Liberty's rate application had met the sufficiency requirements of Arizona Administrative  
5 Code ("A.A.C.") R14-2-103 and that Liberty had been classified as a Class C utility.

6 On July 17, 2015, Residential Utility Consumer Office ("RUCO") filed an Application to  
7 Intervene.

8 On July 21, 2015, CP Boulders, LLC dba the Boulders Resort ("the Boulders") filed an  
9 Application to Intervene.

10 On July 31, 2015, by Procedural Order, the Boulders and RUCO were granted intervention.  
11 The Procedural Order also scheduled an evidentiary hearing to commence on January 12, 2016, and  
12 established procedural deadlines.

13 On August 12, 2015, Staff filed a Request for Modification of Procedural Schedule ("Request")  
14 stating that due to the complexity of the issues regarding rate design and plant closure, Staff requires  
15 additional time to process Liberty's application. Staff's Request also notes that Liberty, RUCO, and  
16 the Boulders have no objection to Staff's proposed procedural schedule

17 On August 19, 2015, by Procedural Order, the procedural schedule was modified in accordance  
18 with Staff's Request.

19 On August 21, 2015, Liberty filed a Consent to Email Service.

20 On September 22, 2015, Liberty filed a Notice of Filing Certification of Publication and Proof  
21 of Mailing.

22 On September 23, 2015, the Town of Carefree ("Town") filed an Application for Leave to  
23 Intervene.

24 There has been no objection filed to the Town's intervention request, and accordingly, the Town  
25 should be granted intervention.

26 Additionally, Liberty has opted to receive service of all filings in this docket, including all  
27 filings by parties and all Procedural Orders and Recommended Opinions and Orders/Recommended  
28 Orders issued by the Commission's Hearing Division, via its designated email address rather than via

1 U.S. Mail. Liberty has exercised this option, pursuant to the Procedural Order issued on August 19,  
2 2015, by docketing a hard copy of its Consent to Email Service by sending an email, containing  
3 Liberty's name and the docket number for this matter, to HearingDivisionServicebyEmail@azcc.gov  
4 from its designated email address, which now appears on the service list for this matter in addition to  
5 Liberty's address for U.S. Mail.

6 Liberty's Consent to Email Service should be approved.

7 IT IS THEREFORE ORDERED that the Town of Carefree is hereby granted intervention.

8 IT IS FURTHER ORDERED that the request by Liberty Utilities (Black Mountain Sewer)  
9 Corp. to receive service of all filings in this docket, including all filings by parties and all Procedural  
10 Orders and Recommended Opinions and Orders/Recommended Orders issued by the Commission's  
11 Hearing Division, via its designated email address rather than via U.S. Mail, is hereby approved.

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

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

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

21 DATED this 7<sup>th</sup> day of October, 2015.

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24 \_\_\_\_\_  
SASHA PATERNOSTER  
ADMINISTRATIVE LAW JUDGE

25 ...  
26 ...  
27 ...  
28 ...

Copies of the foregoing mailed/delivered  
this 17<sup>th</sup> day of October, 2015 to:

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