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BEFORE THE ARIZONA CORPORATI

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Arizona Corporation Commission

SUSAN BITTER SMITH, Chairman
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DOUG LITTLE
TOM FORESE

DOCKETED

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NOV 16 2015

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY TO
EXTEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY IN CASA
GRANDE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-03-0559
JOINT PROPOSAL REGARDING
PROCEDURAL SCHEDULE

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Pursuant to the Procedural Order dated October 29, 2015, as amended November 4, 2015, Cornman Tweedy 560, LLC ("Cornman Tweedy"), Arizona Water Company ("AWC") and Utilities Division Staff ("Staff") hereby submit this joint proposal regarding a procedural schedule in the above-captioned docket.

On July 29, 2014, AWC filed a Motion to Strike the Pre-Filed Rebuttal Testimony of Ernest G. Johnson and to Preclude His Testimony at Hearing ("Motion to Strike") asserting that Mr. Johnson's testimony should not be admitted because Mr. Johnson held supervisory positions at the Commission during the pendency of this matter and because Mr. Johnson's testimony "consists solely of legal conclusions, not facts." Cornman Tweedy opposed the Motion to Strike on both grounds.

On May 7, 2015, a Procedural Order was issued ruling on the Motion to Strike wherein the administrative law judge ("ALJ") concluded that:

Rule [R14-3-104(G)] applies to Mr. Johnson as a former employee of the Commission appearing, any time after severing his employment with the Commission, as a witness on behalf of another party in a formal proceeding wherein he previously took an active part in the preparation as a representative of the Commission. For Mr. Johnson to be permitted to serve as a witness in this matter, he must have the written permission of the Commission.

It is not necessary, at this time, to rule on the admissibility of specific portions of

1 Mr. Johnson's pre-filed testimony.¹

2 Mr. Johnson subsequently sought and obtained permission to testify as a rebuttal witness
3 for Cornman Tweedy as set forth in the Memorandum to the Docket that was filed October 22,
4 2015. However, the May 7, 2015, Procedural Order does not address that portion of AWC's
5 Motion to Strike which was directed at the admissibility of certain portions of Mr. Johnson's
6 testimony.² Thus, AWC would like a ruling on that portion of its Motion to Strike prior to the
7 commencement of the hearing. If the ALJ is inclined to consider this request at this time, the
8 matter could be decided based upon the pleadings filed in the docket. Alternatively, if the ALJ
9 believes that additional oral argument would be helpful, then the parties could be ready for such
10 argument within the next 30 days. AWC would prefer to have oral argument, since the previous
11 argument was presented to Judge Nodes.

12 Once the Motion to Strike has been addressed, should Mr. Johnson remain a witness,
13 AWC would desire to submit pre-filed surrebuttal testimony in response to Mr. Johnson's
14 rebuttal testimony. AWC would need approximately three weeks to submit such testimony. If
15 AWC submits surrebuttal testimony, then Cornman Tweedy would like the opportunity to
16 submit pre-filed rejoinder testimony by Mr. Johnson. Cornman Tweedy could submit the
17 Johnson rejoinder testimony three weeks after the filing of AWC's surrebuttal testimony, if any.
18 The parties could then be prepared for a hearing 2-3 weeks after the filing of Cornman
19 Tweedy's rejoinder testimony, if any.

20 Given the lengthy procedural history and voluminous record in this case, the parties
21 believe that it would be helpful to identify which of the pre-filed testimony or portions of pre-
22 filed testimony which have previously been filed will be presented at the hearing. In addition, it
23 would be helpful if each of the parties would docket any updates to the pre-filed testimony prior
24 to the hearing.

25 Based upon the foregoing, the parties propose the following procedural schedule:
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28 ¹ Procedural Order (May 7, 2015) at 20, lines 12-18.

² Cornman Tweedy opposes this portion of the Motion to Strike.

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Ruling on AWC's Motion to Strike	Determined by the ALJ
AWC surrebuttal testimony in response to Ernest Johnson rebuttal testimony (if necessary)	Three weeks after date of ruling on Motion to Strike
Cornman Tweedy rejoinder testimony of Ernest Johnson (if necessary)	Three weeks after filing of AWC surrebuttal testimony
Filing in Docket Control identifying pre-filed testimony or portions thereof to be used at hearing	Thirty days prior to hearing date
Filing in Docket Control making any updates to pre-filed testimony	Thirty days prior to hearing date
Pre-hearing conference	Seven days prior to hearing date
Hearing Date	Thirty days after due date for filing Cornman Tweedy's rejoinder testimony

The parties would like the ability to conduct some limited additional discovery up until the date which is two weeks prior to the hearing date. The discovery would be limited to any updates to pre-filed testimony submitted by the parties, the AWC surrebuttal testimony to the Ernest Johnson rebuttal testimony (if any), and the Cornman Tweedy rejoinder testimony by Mr. Johnson (if any). The parties believe that this case will take 4-5 hearing days.

Staff has not taken an active part in this case except as directed by the ALJ and/or the Commission. Staff does not anticipate taking an active part in the hearing in this docket but will participate to the extent directed by the ALJ.

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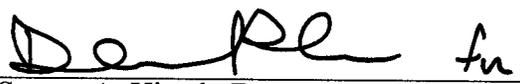
RESPECTFULLY submitted this 16th day of November, 2015.

CROCKETT LAW GROUP PLLC



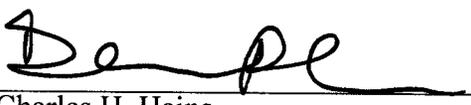
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1 ORIGINAL, plus thirteen (13) copies
2 filed this 16th day of November, 2015, with:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 **COPY** of the foregoing hand-delivered
8 this 16th day of November, 2015, to:

9 Dwight Nodes, Chief Administrative Law Judge
10 Hearing Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Janice Alward, Chief Counsel
15 Legal Division
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19 Thomas M. Broderick, Director
20 Utilities Division
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24 **COPY** of the foregoing sent via e-mail and
25 U.S. Mail this 16th day of November, 2015, to:

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