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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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

DEC 01 2015

AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF
KACY J. PARKER d/b/a JAKE'S CORNER WATER
SYSTEMS FOR APPROVAL OF THE SALE OF ITS
ASSETS AND TRANSFER OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
MANAGEMENT SYSTEMS, LLC.

DOCKET NOS. W-04249A-15-0260
W-20935A-15-0260

PROCEDURAL ORDER
(Sets Hearing)

BY THE COMMISSION:

On July 10, 2015, Kacy J. Parker dba Jake's Corner Water Systems ("Jake's Corner") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets and the transfer of its Certificate of Convenience and Necessity ("CC&N") to Management Systems, LLC.

On September 28, 2015, Jake's Corner filed additional information in support of its application.

On October 28, 2015, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency stating that Jake's Corner's application had met the sufficiency requirements as outlined in A.A.C. R14-2-402.

Pursuant to A.A.C. R14-2-411.C.5, 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 commence on **January 22, 2016, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona 85007.

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

...

1 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF KACY J. PARKER**
 2 **D/B/A JAKE'S CORNER WATER SYSTEMS FOR APPROVAL OF THE SALE OF**
 3 **ITS ASSETS AND THE TRANSFER OF ITS CERTIFICATE OF CONVENIENCE**
 4 **AND NECESSITY TO MANAGEMENT SYSTEMS, LLC.**
 5 **(DOCKET NOS. W-04249A-15-0260 ET. AL)**

6 On July 10, 2015, Kacy J. Parker dba Jake's Corner Water Systems ("Jake's Corner" or
 7 the "Company") filed with the Arizona Corporation Commission ("Commission") an
 8 application for approval of the sale of its assets and the transfer of its Certificate of
 9 Convenience and Necessity ("CC&N") to Management Systems, LLC. The
 10 Commission's Utilities Division ("Staff") has not yet made a recommendation regarding
 11 Jake's Corner's application and the Commission is not bound by the proposals made by
 12 the Company, Staff or intervenors. The Commission will issue a Decision regarding the
 13 Company's application following consideration of testimony and evidence presented at
 14 an evidentiary hearing. Copies of the application, Staff Report, and any written
 15 objections to the Staff Report filed by the Company will be available at Jake's Corner
 16 offices [insert addresses]; at the Commission's Docket Control Center at 1200 West
 17 Washington Street, Phoenix, Arizona; and on the internet via the Commission website
 18 (www.azcc.gov) using the e-docket function.

19 The Commission will hold a hearing on Jake's Corner's application beginning **January**
 20 **22, 2016, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
 21 Hearing Room No. __, Phoenix, Arizona 85007. Public comments will be taken on the
 22 first day of the hearing. Written public comments may be submitted by mailing a letter
 23 referencing Docket Nos. W-04249A-15-0260 and W-20935A-15-0260 to Arizona
 24 Corporation Commission, Consumer Services Section, 1200 West Washington,
 25 Phoenix, AZ 85007, or by submitting comments on the Commission's website
 26 (www.azcc.gov) using the "Submit a Public Comment" function. If you require
 27 assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-
 28 222-7000.

The law provides for an open public hearing at which, under appropriate circumstances,
 interested parties may intervene. Any person or entity entitled by law to intervene and
 having a direct and substantial interest in the matter will be permitted to intervene. If
 you wish to intervene, you must file an original and 13 copies of a written motion to
 intervene with the Commission and you must send copies of the motion to Jake's Corner
 or its counsel and to all parties of record in the case. 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 different from yours;
2. A short statement of your interest in the proceeding (e.g., a customer or potential customer of Jake's Corner, a member or shareholder of Jake's Corner, etc.);
3. A statement certifying that a copy of the motion to intervene has been mailed to Jake's Corner or its counsel and to all parties of record in the case; and
4. If the proposed intervenor is not represented by an attorney who is an active member of the Arizona State Bar, and is not an individual representing himself or herself, information and any appropriate documentation demonstrating the

1 intervenor's compliance with Arizona Supreme Court Rules 31, 38, and 42, as
2 applicable.

3 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
4 that all motions to intervene must be filed on or before January 11, 2016. For more
5 information about requesting intervention, visit the Commission's website at
6 <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>.

7 The granting of intervention, among other things, entitles a party to present sworn
8 evidence at hearing and to cross-examine other witnesses. However, failure to intervene
9 will not preclude any interested person or entity from appearing at the hearing and
10 providing public comment on the application or from filing written comments in the
11 record of the case.

12 The Commission does not discriminate on the basis of disability in admission to its
13 public meetings. Persons with a disability may request a reasonable accommodation
14 such as a sign language interpreter, as well as request this document in an alternative
15 format, by contacting the ADA Coordinator Shaylin Bernal, e-mail sabernal@azcc.gov,
16 voice phone number 602-542-3931. Requests should be made as early as possible to
17 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that **Jake's Corner shall mail to each of its customers in its**
19 **CC&N area, a copy of the above notice and shall cause the above notice to be published at least**
20 **once** in a newspaper(s) of general circulation in its service territory, with publication and mailing to be
21 completed no later than **December 28, 2015**.

22 IT IS FURTHER ORDERED that **Jake's Corner shall file certification of mailing and**
23 **publication** as soon as practicable after mailing/publication has been completed, but no later than
24 **January 15, 2016**.

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

27 IT IS FURTHER ORDERED that the **Staff Report and associated exhibits** (available at the
28 time the Staff Report is filed) **to be presented at hearing shall be reduced to writing and filed on**
29 **or before December 28, 2015**.

30 IT IS FURTHER ORDERED that **any objections to the Staff Report** shall be reduced to
31 writing and filed on or before **January 11, 2016**.

1 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
2 except that all motions to intervene must be filed on or before **January 11, 2016**.

3 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed on or
4 before **January 18, 2016**.

5 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
6 matter may opt to receive service of all filings in this docket, including all filings by parties and all
7 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
8 Commission's Hearing Division, via email sent to an email address provided by the party rather than
9 via U.S. Mail. To exercise this option, a party shall:
10

- 11 1. Ensure that the party has a valid and active email address to which the party has regular
12 and reliable access ("designated email address");
- 13 2. Complete a Consent to Email Service form, available on the Commission's website
14 (www.azcc.gov);
- 15 3. File the original and 13 copies of the Consent to Email Service form with the
16 Commission's Docket Control, also providing service to each party to the service list;
- 17 4. Send an email, containing the party's name and the docket number for this matter, to
18 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
19 the Hearing Division to verify the validity of the designated email address;
- 20 5. Understand and agree that service of a document on the party shall be complete upon
21 the sending of an email containing the document to the designated email address,
22 regardless of whether the party receives or reads the email containing the document;
23 and
- 24 6. Understand and agree that the party will no longer receive service of filings in this
25 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
26 and until the party withdraws this consent through a filing made in this docket.
27
28

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

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

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

11 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
12 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

22 DATED this ^{13th} day of December, 2015.

23
24 
25 YVETTE B. KINSEY
26 ADMINISTRATIVE LAW JUDGE
27
28

1 COPIES of the foregoing mailed/mailed/delivered
this 1st day of December, 2015, to:

2 Michael Armstead
3 MANAGEMENT SYSTEMS, LLC
4 211 W. Saddle Lane
5 Payson, AZ 85541
6 ymepayson@msn.com

7 Kacy Parker
8 JAKE'S CORNER WATER SYSTEMS
9 1400 N. Beeline Hwy
10 Payson, AZ 85541

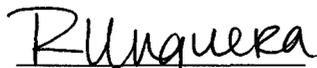
11 Dean Shaffer
12 605 W. Arabian Way
13 Payson, AZ 85441

14 Janice Alward, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Thomas Broderick, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 COASH & COASH
25 Court Reporting, Video and Videoconferencing
26 1802 N. 7th Street
27 Phoenix, AZ 85006

28

By: 

Rebecca Unquera
Secretary to Yvette B. Kinsey