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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission

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

DOCKETED BY *[Signature]*

AZ CORP COMMISSION
DOCKET CONTROL

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

DOCKET NO. W-02465A-15-0367

IN THE MATTER OF THE APPLICATION OF LIBERTY UTILITIES (BELLA VISTA WATER) CORP., AN ARIZONA CORPORATION, FOR AUTHORITY TO ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$4,700,000.

DOCKET NO. W-02465A-15-0370

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

DOCKET NO. WS-02676A-15-0368

IN THE MATTER OF THE APPLICATION OF LIBERTY UTILITIES (RIO RICO WATER & SEWER) CORP., AN ARIZONA CORPORATION, FOR AUTHORITY TO ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$8,900,000.

DOCKET NO. WS-02676A-15-0371

RATE CASE PROCEDURAL ORDER

BY THE COMMISSION:

On October 28, 2015, Liberty Utilities (Bella Vista Water) Corp. ("Liberty" or "Company") filed with the Arizona Corporation Commission ("Commission") in Docket No. W-02465A-15-0367 an application requesting that the Commission establish the fair value of its plant and property used for the provision of public water utility service and, based on such finding, approve permanent rates and charges for utility service designed to produce a fair return thereon ("Rate Docket").

1 On November 2, 2015, Liberty filed with the Commission, in Docket No. W-02465A-15-0370,
2 an application requesting authority from the Commission to issue evidence of indebtedness in a total
3 amount not to exceed \$4,700,000 ("Finance Docket").

4 On October 28, 2015, Liberty Utilities (Rio Rico Water & Sewer) Corp. filed with the Arizona
5 Corporation Commission ("Commission") in Docket No. W-02465A-15-0367 an application
6 requesting that the Commission establish the fair value of its plant and property used for the provision
7 of public water and wastewater utility service and, based on such finding, approve permanent rates and
8 charges for utility service designed to produce a fair return thereon ("Rate Docket").

9 November 2, 2015, Liberty Utilities (Rio Rico Water & Sewer) Corp. filed with the
10 Commission, in Docket No. W-02676A-15-0371, an application requesting authority from the
11 Commission to issue evidence of indebtedness in a total amount not to exceed \$8,900,000 ("Finance
12 Docket").

13 On November 3, 2015, Liberty filed Motions to Consolidate in both Rate Dockets and both
14 Finance Dockets. Liberty states that by consolidating all four proceedings, resources would be better
15 utilized as the dockets are "inextricably linked."

16 On November 12, 2015, Liberty Filed an Amendment to its Application.

17 On November 23, 2015, Liberty Filed a Second Amendment to its Rate Application.

18 On November 25, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency
19 stating that Liberty's application had met the sufficiency requirements of Arizona Administrative Code
20 ("A.A.C.") R14-2-103 and that Liberty had been classified as a Class B utility.

21 On December 3, 2015, Residential Utility Consumer Office ("RUCO") filed an Application to
22 Intervene. No opposition to RUCO's intervention request was received.

23 The matters in the above captioned dockets are substantially related, and the rights of the parties
24 will not be prejudiced by consolidation. The interests of judicial efficiency and administrative
25 economy warrant consolidation of these matters.

26 IT IS THEREFORE ORDERED that **Docket Nos. W-02465A-15-0367, W-02465A-15-0370,**
27 **WS-02676A-15-0368, and WS-02676A-15-0371 are hereby consolidated for purposes of resolving**
28 **the issues raised in each docket.**

1 IT IS THEREFORE ORDERED that the **hearing in this consolidated matter shall commence**
2 **on July 25, 2016, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, **Hearing**
3 **Room No. 1**, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that a **pre-hearing conference shall be held on July 22, 2016,**
5 **at 10:00 a.m.**, at the Commission's offices.

6 IT IS FURTHER ORDERED that **RUCO is hereby granted intervention.**

7 IT IS FURTHER ORDERED that the **Staff Report/direct testimony and associated exhibits**
8 **on issues other than rate design** to be presented at hearing by **Staff** shall be reduced to writing and
9 filed on or before **May 23, 2016.**

10 IT IS FURTHER ORDERED that the **direct testimony and associated exhibits on issues**
11 **other than rate design** to be presented at hearing by an **intervenor** shall be reduced to writing and
12 filed on or before **May 23, 2016.**

13 IT IS FURTHER ORDERED that **direct testimony by Staff and intervenors on rate design**
14 **issues** shall be filed on or before **May 31, 2016.**

15 IT IS FURTHER ORDERED that the **rebuttal testimony and associated exhibits** to be
16 presented at hearing by **Liberty** shall be reduced to writing and filed on or before **June 20, 2016.**

17 IT IS FURTHER ORDERED that the **surrebuttal testimony and associated exhibits** to be
18 presented at hearing by **Staff or intervenors** shall be reduced to writing and filed on or before **July 8,**
19 **2016.**

20 IT IS FURTHER ORDERED that the **rejoinder testimony and associated exhibits** to be
21 presented at hearing by **Liberty** shall be reduced to writing and filed on or before **July 18, 2016.**

22 IT IS FURTHER ORDERED that **all testimony** filed shall include a **table of contents** listing
23 the issues discussed.

24 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m.** on the date the filing
25 is due, unless otherwise indicated.

26 IT IS FURTHER ORDERED that **the parties shall prepare, jointly or individually, and**
27 **bring to the pre-hearing conference, copies of an issues matrix/matrices** setting forth all disputed
28

1 issues in the case, the position of each party on each disputed issue, whether the disputed issue remains
2 in dispute or has been resolved, and the manner in which it was resolved.

3 IT IS FURTHER ORDERED that **any objections to prefiled testimony or exhibits shall be**
4 **made before or at the July 22, 2016**, pre-hearing conference.

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

7 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
8 regulations of the Commission, except that until **June 24, 2016**, any objection to discovery requests
9 shall be made within 7 calendar days of receipt¹ and responses to discovery requests shall be made
10 within 10 calendar days of receipt. Thereafter, objections to discovery requests shall be made within
11 5 calendar days and responses shall be made within 7 calendar days. The response time may be
12 extended by mutual agreement of the parties involved if the request requires an extensive compilation
13 effort.

14 IT IS FURTHER ORDERED that for discovery requests, objections, and answers, if a receiving
15 party requests service to be made electronically, and the sending party has the technical capability to
16 provide service electronically, service to that party shall be made electronically.

17 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
18 discovery, any party seeking resolution of a discovery dispute may telephonically contact the
19 Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery
20 dispute; that upon such a request, a procedural hearing will be convened as soon as practicable; and
21 that the party making such a request shall forthwith contact all other parties to advise them of the
22 hearing date and shall at the hearing provide a statement confirming that the other parties were
23 contacted.²

24
25
26
27 ¹ The date of receipt of discovery requests is not counted as a calendar day, and requests received after 4:00 p.m. Arizona
time will be considered as received the next business day.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before
seeking Commission resolution of the controversy.

1 IT IS FURTHER ORDERED that any **substantive corrections, revisions, or supplements to**
2 **prefiled testimony**, with the exception of rejoinder testimony, shall be reduced to writing and filed no
3 later than five calendar days before the witness is scheduled to testify.

4 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
5 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
6 motion shall be deemed denied.

7 IT IS FURTHER ORDERED that any response to a motion, other than a motion to intervene,
8 shall be filed within five calendar days of the filing date of the motion.

9 IT IS FURTHER ORDERED that any reply related to a motion shall be filed within five
10 calendar days of the filing date of the response to the motion.

11 IT IS FURTHER ORDERED that for its **Bella Vista Water** customers, **Liberty shall provide**
12 **public notice** of the hearing in this matter, in the following form and style, with the heading in no less
13 than 12-point bold type and the body in no less than 10-point regular type:

14 **PUBLIC NOTICE OF HEARING ON THE**
15 **APPLICATIONS OF LIBERTY UTILITIES**
16 **(BELLA VISTA WATER) CORP.**
17 **FOR A RATE INCREASE AND FOR APPROVAL TO INCUR DEBT**
18 **(DOCKET NOS. WS-02676A-15-0368 AND WS-02676A-15-0371).**

19 **Summary**

20 On October 28, 2015, Liberty Utilities (Bella Vista Water) Corp. ("Liberty") filed with
21 the Arizona Corporation Commission ("Commission"). In Docket No. W-02465A-15-
22 0367 an application requesting that the Commission establish the fair value of its plant
23 and property used for the provision of public water utility service for Bella Vista Water
24 and, based on such finding, approve permanent rates and charges for utility service
25 designed to produce a fair return thereon. On November 2, 2015, Liberty filed with the
26 Commission, in Docket No. W-02465A-15-0370, an application requesting authority
27 from the Commission to issue evidence of indebtedness for Bella Vista Water in a total
28 amount not to exceed \$4,700,000.

Liberty requests authorization to increase its rates to generate total revenues by
\$6,179,027. This would constitute an increase in revenues by \$1,554,297, or 33.61
percent over test year revenues of \$4,624,730. For information about how Liberty's
revenue increase would affect your individual bill, you may contact Liberty at
[LIBERTY INSERT APPROPRIATE CONTACT INFORMATION HERE].

The Commission's Utilities Division ("Staff") is in the process of auditing and
analyzing the applications, and has not yet made any recommendations regarding
Liberty's proposed rate increase or financing application. The Commission will

1 determine the appropriate relief to be granted based on the evidence of record in the
2 proceeding. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS MADE**
3 **BY LIBERTY, STAFF, OR ANY INTERVENORS; THEREFORE, THE FINAL**
4 **RATES APPROVED BY THE COMMISSION MAY DIFFER FROM AND MAY**
5 **BE HIGHER OR LOWER THAN THE RATES REQUESTED BY LIBERTY OR**
6 **RECOMMENDED BY OTHER PARTIES.**

7
8 **How You Can View or Obtain a Copy of the Rate Proposal**

9 Copies of the application and proposed rates are available from Liberty [LIBERTY
10 INSERT HOW AND WHERE AVAILABLE] and at the Commission's Docket
11 Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection
12 during regular business hours, and on the Internet via the Commission's website
13 (www.azcc.gov) using the e-Docket function.

14 **Arizona Corporation Commission Public Hearing Information**

15 The Commission will hold a hearing on these matters beginning **July 25, 2016, at 10:00**
16 **a.m.**, at the Commission's offices Hearing Room No. 1, 1200 West Washington Street,
17 Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

18 Written public comments may be submitted by mailing a letter referencing Docket Nos.
19 W-02465A-15-0367/W-02465A-15-0367 to Arizona Corporation Commission,
20 Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by
21 submitting comments on the Commission's website (www.azcc.gov) using the "Submit
22 a Public Comment" function. If you require assistance, you may contact the Consumer
23 Services Section at 602-542-4251 or 1-800-222-7000.

24 **About Intervention**

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

To request intervention, you must file **an original and 13 hard copies** of a written
request to intervene with Docket Control, 1200 West Washington Street, Phoenix, AZ
85007, **no later than April 1, 2016**. You also **must** serve a copy of the request to
intervene on each part of record, on the same day that you file the request to intervene
with the Commission. Information about intervention and sample intervention requests
are available on the Commission's website (www.azcc.gov) using the "Intervention in
Utility Cases" link.

Your request 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 not yourself;
2. A reference to **Docket Nos. W-02465A-15-0367 and W-02465A-15-0370**;
3. A short statement of your interest in the proceeding (e.g., a customer or
potential customer of Liberty, a member or shareholder of Liberty, etc.) and
how you will be directly and substantially affected by the outcome of the case,

1 and why your intervention will not unduly broaden the issues in the case;

- 2 4. A statement certifying that a copy of the motion to intervene has been mailed
3 to Liberty or its counsel and to all parties of record in the case; and
- 4 5. If you are not represented by an attorney who is an active member of the Arizona
5 State Bar, and is not an individual representing himself or herself, information
6 and any appropriate documentation demonstrating compliance with Arizona
7 Supreme Court Rules 31, 38, and 42, as applicable.

8 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
9 that all motions to intervene must be filed on or before April 1, 2016. If representation
10 by counsel is required by Arizona Supreme Court Rule 31, intervention will be
11 conditioned upon the intervenor obtaining counsel to represent the intervenor.

12 **ADA/Equal Access Information**

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

19 IT IS FURTHER ORDERED that for its **Rio Rico Water and Sewer** customers, **Liberty shall**
20 **provide public notice** of the hearing in this matter, in the following form and style, with the heading
21 in no less than 12-point bold type and the body in no less than 10-point regular type:

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23 **APPLICATIONS OF LIBERTY UTILITIES**
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25 **FOR A RATE INCREASE AND FOR APPROVAL TO INCUR DEBT**
26 **(DOCKET NOS. WS-02676A-15-0368 AND WS-02676A-15-0371).**

27 **Summary**

28 On October 28, 2015, Liberty Utilities (Rio Rico Water & Sewer) Corp. ("Liberty")
filed with the Arizona Corporation Commission ("Commission"). In Docket No. WS-
02676A-15-0369 an application requesting that the Commission establish the fair value
of its plant and property used for the provision of public water and wastewater utility
service for Rio Rico customers and, based on such finding, approve permanent rates and
charges for utility service designed to produce a fair return thereon. On November 2,
2015, Liberty filed with the Commission, in Docket No. WS-02676A-15-0371, an
application requesting authority from the Commission to issue evidence of indebtedness
for Rio Rico Water and Wastewater customers in a total amount not to exceed
\$8,900,000.

Liberty requests authorization to increase its water rates to generate total revenues of
\$3,716,628. This would constitute an increase in revenues by \$683,836, or 22.55
percent over test year revenues of \$3,032,792. Liberty requests authorization to increase
its wastewater rates to generate total revenues of \$1,704,674. This would constitute an
increase in revenues by \$226,351, or 15.31 percent over test year revenues of

1 \$1,478,323. For information about how Liberty's revenue increase would affect your
2 individual bill, you may contact Liberty at [LIBERTY INSERT APPROPRIATE
CONTACT INFORMATION HERE].

3 The Commission's Utilities Division ("Staff") is in the process of auditing and
4 analyzing the applications, and has not yet made any recommendations regarding
5 Liberty's proposed rate increase or financing application. The Commission will
6 determine the appropriate relief to be granted based on the evidence of record in the
7 proceeding. **THE COMMISSION IS NOT BOUND BY THE PROPOSALS MADE
BY LIBERTY, STAFF, OR ANY INTERVENORS; THEREFORE, THE FINAL
RATES APPROVED BY THE COMMISSION MAY DIFFER FROM AND MAY
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13 (www.azcc.gov) using the e-Docket function.

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18 Written public comments may be submitted by mailing a letter referencing Docket Nos.
19 WS-02676A-15-0368 and WS-02676A-15-0371 to Arizona Corporation Commission,
20 Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by
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27 person's intervention will not unduly broaden the issues in the case. Intervention,
28 among other things, entitles a party to present sworn evidence at hearing and to cross-
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interested person or entity from appearing at the hearing and providing public comment
on the application or from filing written comments in the record of the case.

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85007, **no later than April 1, 2016**. You also **must** serve a copy of the request to
intervene on each part of record, on the same day that you file the request to intervene
with the Commission. Information about intervention and sample intervention requests
are available on the Commission's website (www.azcc.gov) using the "Intervention in
Utility Cases" link.

Your request to intervene must contain the following:

6. Your name, address, and telephone number and the name, address, and

1 telephone number of any person upon whom service of documents is to be
2 made, if not yourself;

- 3 7. A reference to **Docket Nos. WS-02676A-15-0368 and WS-02676A-15-0371**;
- 4 8. A short statement of your interest in the proceeding (e.g., a customer or
5 potential customer of Liberty, a member or shareholder of Liberty, etc.) and
6 how you will be directly and substantially affected by the outcome of the case,
7 and why your intervention will not unduly broaden the issues in the case;
- 8 9. A statement certifying that a copy of the motion to intervene has been mailed
9 to Liberty or its counsel and to all parties of record in the case; and
- 10 10. If you are not represented by an attorney who is an active member of the Arizona
11 State Bar, and is not an individual representing himself or herself, information
12 and any appropriate documentation demonstrating compliance with Arizona
13 Supreme Court Rules 31, 38, and 42, as applicable.

14 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
15 that all motions to intervene must be filed on or before April 1, 2016. If representation
16 by counsel is required by Arizona Supreme Court Rule 31, intervention will be
17 conditioned upon the intervenor obtaining counsel to represent the intervenor.

18 **ADA/Equal Access Information**

19 The Commission does not discriminate on the basis of disability in admission to its
20 public meetings. Persons with a disability may request a reasonable accommodation
21 such as a sign language interpreter, as well as request this document in an alternative
22 format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail
23 SAbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as
24 early as possible to allow time to arrange the accommodation.

25 IT IS FURTHER ORDERED that **Liberty shall, by March 1, 2016, send** a copy of the above
26 notice to each current customer by first class U.S. mail and have the above notice **published** in a
27 newspaper of general circulation in its service territory.

28 IT IS FURTHER ORDERED that **Liberty shall, by April 1, 2016, file certification of mailing**
and **publication** of the above notice.

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

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.

1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
2 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.³

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

9 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
10 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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

- 16 1. Ensure that the party has a valid and active email address to which the party has regular
17 and reliable access (“designated email address”);
- 18 2. Complete a Consent to Email Service form, available on the Commission’s website
19 (www.azcc.gov);
- 20 3. File the original and 13 copies of the Consent to Email Service form with the
21 Commission’s Docket Control, also providing service to each party to the service list;
- 22 4. Send an email, containing the party’s name and the docket number for this matter, to
23 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
24 the Hearing Division to verify the validity of the designated email address;

25
26 ³ If a corporation is not represented by an attorney authorized to practice law in Arizona in a proceeding before the
27 Commission, an officer of the corporation may represent the entity as long as the board of directors has authorized such
28 person to represent it in the matter and such representation is not the person’s primary duty to the entity, but secondary or
incidental to other duties relating to the management or operation of the entity, and such person is not receiving separate or
additional compensation for such representation. See Arizona Supreme Court Rule 31(d)(13). The Commission requires
entities to docket evidence of board authorization.

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6 Janice Alward, Chief Counsel
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14
15 By: Rebecca Unquera
Rebecca Unquera
16 Assistant to Dwight D. Nodes

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