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BEFORE THE ARIZONA CORPORATION COMMISSION
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DOUG LITTLE – Chairman
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Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
NEW RIVER UTILITY COMPANY FOR
APPROVAL OF THE SALE OF STOCK AND
CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01737A-15-0380

PROCEDURAL ORDER

BY THE COMMISSION:

New River Utility Company (“New River”) is an Arizona corporation authorized to provide water utility service within portions of the City of Peoria, pursuant to a Certificate of Convenience and Necessity (“CC&N”) granted by the Arizona Corporation Commission (“Commission”).

On November 6, 2015, New River filed with the Commission an Application for Approval of the Sale of Stock and Cancellation of Certificate of Necessity (“Application”). New River’s Application states that New River and the City of Peoria (“City”) have entered into an Asset Purchase Agreement through which the City agrees to acquire all of New River’s assets currently used to conduct New River’s business operations, and New River agrees to obtain Commission approval of the sale of assets and cancellation of its Certificate of Convenience and Necessity (“CC&N”). As an exhibit to its Application, New River included a copy of the Asset Purchase Agreement executed by New River and the City on November 5, 2015 (“Agreement”), which included the following attachments: a Schedule of tangible personal property and equipment, a Bill of Sale, an Assignment and Assumption Agreement and Consent, legal descriptions of real property, a Special Warranty Deed, legal descriptions of easements, an Assignment of Easement, and an Assignment of Interest in Water Rights. New River also provided a Resolution of the Board of Directors of New River approving the sale of all of its assets to the City. The Bill of Sale and Assignment and Assumption Agreement and Consent both refer to a Stock Purchase Agreement, but a copy of the Stock Purchase Agreement was not included with the Application.

1 On November 20, 2015, New River filed a Proof of Notice and Publication showing that notice
2 of the Application had been published in the *Peoria Times* on November 6, 2015.

3 On November 25, 2015, New River filed an Affidavit of Mailing stating that notice had been
4 mailed to New River's customers at least 15 days after the Application was filed.

5 On December 16, 2015, the Commission's Utilities Division ("Staff") issued a Letter of
6 Insufficiency notifying New River that Staff needed additional information to determine sufficiency
7 requirements as outlined in the Arizona Administrative Code ("A.A.C.") and including a list of
8 information needed.

9 On December 30, 2015, New River filed a Response to Insufficiency Letter, including several
10 attachments.

11 On January 29, 2016, Staff issued a Sufficiency Letter stating that Staff had determined New
12 River's Application, with the additional documents filed on December 30, 2015, to meet the minimum
13 sufficiency requirements of the A.A.C.

14 On February 2, 2016, a Procedural Order was issued scheduling the hearing in this matter to
15 commence on April 6, 2016, and establishing other procedural requirements and deadlines.

16 On February 4, 2016, Staff filed Staff's Request for Extension of Hearing Date ("Staff's
17 Request"), stating that Staff's witness is unavailable on April 6, 2016, and requesting that the hearing
18 be rescheduled to April 29, 2016. Staff asserted that it had conferred with the City Attorney, who
19 indicated no objection to Staff's Request.

20 It is reasonable to grant Staff's Request. In light of the later hearing date to be granted, it is
21 also reasonable and appropriate to extend the Commission's time frame for this matter and to ensure
22 that the notice provided by the City includes the new hearing date rather than the original hearing date.

23 IT IS THEREFORE ORDERED that the **hearing** for this matter scheduled to commence on
24 **April 6, 2016**, is hereby **vacated**.

25 IT IS FURTHER ORDERED that the **hearing** in this matter shall commence on **April 29, 2016**,
26 **at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's offices, Hearing Room No.
27 2, 1200 West Washington, Phoenix, Arizona 85007.

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1 IT IS FURTHER ORDERED that New River shall ensure that the notice mailed and
2 published, as required by the Procedural Order of February 2, 2016, includes the April 29, 2016,
3 hearing date rather than the vacated hearing date.

4 IT IS FURTHER ORDERED that the time frame for the Commission's decision in this matter
5 is hereby extended by 23 days.

6 IT IS FURTHER ORDERED that, except as specifically modified herein, all of the
7 requirements set forth in the Procedural Order of February 2, 2016, shall remain in effect.

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

11 DATED this 5th day of February, 2016.

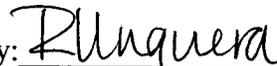
13 
14 SARAH N. HARPRING
15 ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
this 5th day of February, 2016, to:

17 William Mattingly
18 New River Utility Company
19 c/o City of Peoria
20 Office of the City Attorney
21 P.O. Box 4038
22 Peoria, AZ 85380-4038

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