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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

DOUG LITTLE – Chairman
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Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY *[Signature]*

IN THE MATTER OF THE APPLICATION OF
PARKER LAKEVIEW ESTATES HOMEOWNERS
ASSOCIATION, INC. DBA PARKER SPRINGS
WATER COMPANY TO DELETE A PORTION OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01853A-16-0060

PROCEDURAL ORDER

BY THE COMMISSION:

On February 22, 2016, Parker Lakeview Estates Homeowners Association, Inc. d/b/a Parker Springs Water Company (“Parker” or “Company”), filed with the Arizona Corporation Commission (“Commission”) an application to delete a portion of the Company’s Certificate of Convenience and Necessity.

On May 5, 2016, the Company filed an amended application to include the extension of its CC&N to an area currently served by Parker (together with the February 22, 2016, application, the “Application”).

On May 9, 2016, the Commission’s Utilities Division Staff (“Staff”) submitted its Sufficiency Letter, stating that Parker’s Application had met the requirements of Arizona Administrative Code (“A.A.C.”) R14-2-402.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of a hearing this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in this matter shall be held on **July 28, 2016, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s Tucson offices, 400 West Congress, Room 222.

IT IS FURTHER ORDERED that Staff shall file the **Staff Report** on or before **July 8, 2016**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before **July 15, 2016**.

1 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
2 **Intervene** shall be filed on or before **July 22, 2016**.

3 IT IS FURTHER ORDERED that **Parker shall file with the Commission on or before July**
4 **1, 2016, a Company resolution authorizing a Company officer to represent Parker at hearing.**

5 IT IS FURTHER ORDERED that Parker shall **mail to each customer and property owner or**
6 **property owner representative** in the requested cancellation of CC&N area and in the CC&N
7 extension area a copy of the hearing notice, below, and shall also cause the hearing notice to be
8 published in a newspaper of general circulation in its service territory, with both mailing and
9 publication to be completed no later than **July 1, 2016**.

10 IT IS FURTHER ORDERED that Parker shall **file certification of mailing and publication**
11 as soon as practicable after mailing and publication has been completed.

12 IT IS FURTHER ORDERED that Parker shall provide public notice of the hearing in this matter
13 in the following form and style:

14 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
15 **PARKER LAKEVIEW ESTATES HOMEOWNERS ASSOCIATION, INC. DBA PARKER**
16 **SPRINGS WATER COMPANY TO DELETE A PORTION OF ITS CERTIFICATE OF**
17 **CONVENIENCE AND NECESSITY AND TO EXTEND ITS CERTIFICATE**
18 **OF CONVENIENCE AND NECESSITY**
19 **(DOCKET NO. W-01853A-16-0060)**

20 **Summary**

21 On February 22, 2016, Parker Lakeview Estates Homeowners Association, Inc. d/b/a
22 Parker Springs Water Company ("Company") filed with the Arizona Corporation
23 Commission ("Commission") an application for approval to delete a portion of its
24 Certificate of Convenience and Necessity to provide water service. On May 9, 2016,
25 the Company amended its application to include the extension of its Certificate of
26 Convenience and Necessity to a separate parcel of land. The Commission's Utilities
27 Division ("Staff") is in the process of reviewing and analyzing the application and has
28 not yet made recommendations regarding the Company's application. The Commission
is not bound by the proposals made by the Company, Staff, or any intervenors. The
Commission will issue a decision regarding the Company's application following
consideration of testimony and evidence presented at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available at the Company's offices [INSERT ADDRESS],
and at the Commission's Docket Control Center at 1200 West Washington, Phoenix,
Arizona, and at 400 West Congress, Suite 218, Tucson, Arizona, and on the internet via
the Commission website (www.azcc.gov/) using the e-Docket function.

1 **Arizona Corporation Commission Public Hearing Information**

2 The Commission will hold a hearing on this matter beginning **July 28, 2016, at 10:00**
 3 **a.m.**, at the Commission's Tucson offices, 400 West Congress, Room 222.

4 Public comments will be taken at the beginning of the hearing. Written public comments
 5 may be submitted by mailing a letter referencing Docket No. **W-01853A-16-0060** to
 6 Arizona Corporation Commission, Consumer Services Section, 1200 West Washington,
 7 Phoenix, AZ 85007, or by email. For a form to use and instructions on how to e-mail
 8 comments to the Commission, go to
 9 <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require
 10 assistance, you may contact the Consumer Services Section at 1-800-222-7000 or (520)
 11 628-6550.

12 **About Intervention**

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

21 To request intervention, you must file an **original and 13 hard copies** of a written request
 22 to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later**
 23 **than July 15, 2016**. You also **must** serve a copy of the request to intervene on each party
 24 of record, on the same day that you file the request to intervene with the Commission.
 25 Information about intervention and sample intervention requests are available on the
 26 Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

27 Your request to intervene must contain the following:

- 28 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;
- 29 2. A reference to **Docket No. W-01853A-16-0060**;
- 30 3. A short statement explaining:
 - 31 a. Your interest in the proceeding (e.g., a customer of the utility, a shareholder
 of the utility, etc.),
 - 32 b. How you will be directly and substantially affected by the outcome of the
 case, and
 - 33 c. Why your intervention will not unduly broaden the issues in the case;
- 34 4. A statement certifying that you have served a copy of the request to intervene on
 the utility or its attorney and all other parties of record in the case; and
- 35 5. If you are not represented by an attorney who is an active member of the Arizona
 State Bar, and you are not representing yourself as an individual, sufficient information
 and any appropriate documentation to demonstrate compliance with Arizona Supreme
 Court Rules 31, 38, and 42, as applicable.

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

1 If you do not intervene in this proceeding, you will not receive further notice of the
2 proceedings in this docket. However, all documents filed in this docket are available
3 online (usually within 24 hours after docketing) at the Commission's website
4 www.azcc.gov using the e-Docket function. RSS feeds are also available through e-
5 Docket.

6 **ADA/Equal Access Information**

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

13 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
14 publication of this notice, notwithstanding the failure of an individual customer or property owner to
15 read or receive the notice.

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
17 Communications) continues to apply to this proceeding as the matter is set for public hearing.

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

21 IT IS FURTHER ORDERED that any intervention granted herein is conditioned upon the
22 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
23 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
24 30 days of the date of this Procedural Order.

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

IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
matter may opt to receive service of all filings in this docket, including all filings by parties and all
Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the

1 Commission's Hearing Division, via email sent to an email address provided by the party rather than
2 via U.S. Mail. To exercise this option, a party shall:

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

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

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

26 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
27 pursuant to Rule 6(a) or (3) of the Rules of Civil Procedure.

28 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized

1 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
2 in this matter is final and non-appealable.

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

6 Dated this 6th day of June, 2016.

7 

8 _____
9 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 6th day of June, 2016, to:

12 Gail Spain
13 PARKER SPRINGS WATER COMPANY
14 7947 South Coronado Trail
15 HC1 Box 474
16 Elgin, AZ 85611

17 Janice Alward, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 Thomas Broderick, Director
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

20 COASH & COASH, INC.
21 Court Reporting, Video and Videoconferencing
22 1802 North 7th Street
Phoenix, AZ 85006

23 By: 
24 _____
25 Rebecca Tallman
26 Secretary to Belinda Martin
27
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