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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
EPCOR WATER ARIZONA, INC., AN ARIZONA
CORPORATION, FOR A DETERMINATION OF
THE CURRENT FAIR VALUE OF ITS UTILITY
PLANT AND PROPERTY AND FOR
INCREASES/DECREASES IN ITS RATES AND
CHARGES BASED THEREON FOR UTILITY
SERVICE BY ITS AGUA FRIA, ANTHEM,
MOHAVE, SUN CITY, AND SUN CITY WEST
WASTEWATER DISTRICTS AND FOR
CONSIDERATION OF CONSOLIDATION AND
DE-CONSOLIDATION PROPOSALS.

DOCKET NO. WS-01303A-16-0145

Arizona Corporation Commission

DOCKETED

JUL 7 2016

DOCKETED BY

PROCEDURAL ORDER

BY THE COMMISSION:

On April 29, 2016, EPCOR Water Arizona, Inc. (“EPCOR”) filed with the Arizona Corporation Commission (“Commission”) an application for a determination of the fair value of its utility plant and property and for increases/decreases in its rates and charges for wastewater utility service in its Agua Fria, Anthem, Mohave, Sun City, and Sun City West Wastewater Districts and for consideration of consolidation and deconsolidation proposals.

From May 11 through 24, 2016, Motions to Intervene were filed by Sun City Home Owners Association (“Sun City HOA”), Frederick Botha, Verrado Community Association, Inc. (“Verrado”), DMB Verrado Golf I LLC (“Verrado Golf”) and Verrado ARC LLC (“Verrado ARC”), Western Infrastructure Sustainability Effort (“WISE”), Douglas Edwards, Diane Smith, and Corte Bella Country Club Association (“CBCCA”). Additionally, Verrado, Verrado Golf, and Verrado ARC filed their Consent to Email Service, and their counsel sent a verification email to the Hearing Division.

On May 27, 2016, the Commission’s Utilities Division (“Staff”) issued a Letter of Sufficiency pursuant to Arizona Administrative Code (“A.A.C.”) R14-2-103, classifying EPCOR as a Class A utility. Additionally, Sun City HOA filed a Consent to Email Service.

1 On May 31 and June 1, 2016, respectively, Motions to Intervene were filed by the Residential
2 Utility Consumer Office (“RUCO”) and the Property Owners and Residents Association (“PORA”) of
3 Sun City West (“SCW”).

4 On June 3, 2016, a Procedural Order was issued scheduling the hearing in this matter to
5 commence on January 23, 2017, and establishing other procedural requirements and deadlines. The
6 Procedural Order also granted intervention to Sun City HOA, Frederick Botha, Verrado, Verrado Golf,
7 Verrado ARC, WISE, Douglas Edwards, Diane Smith, and CBCCA and approved email service for
8 Verrado, Verrado Golf, and Verrado ARC.

9 On June 6, 2016, Sun City HOA sent a verification email to the Hearing Division.

10 On June 7, 2016, EPCOR filed a letter indicating that the notice required by the Procedural
11 Order of June 3, 2016, will be mailed in a separate direct mailing rather than as a bill insert because it
12 is not possible to include the notice in a bill insert prior to July 1, 2016.¹

13 On June 9, 2016, EPCOR filed a letter indicating that the notice in the Procedural Order
14 included a typographical error, which will be corrected in the public notice.²

15 On June 13, 2016, a Procedural Order was issued granting intervention to RUCO and SCW
16 PORA and approving email service for Sun City HOA.

17 On June 15, 2016, SCW PORA filed a Consent to Email Service, and its representative sent a
18 verification email to the Hearing Division.

19 On June 16, 2016, a Procedural Order was issued approving email service for SCW PORA.

20 On June 23 and 24, 2016, Frederick G. Botha filed a Consent to Email Service and sent a
21 verification email to the Hearing Division.

22 On June 24, 2016, a Motion to Intervene was filed for the Cross River Homeowners Association
23 (“Cross River HOA”) by Frances A. Noe, who identified herself as a resident in EPCOR’s Agua Fria
24 Wastewater District and as Chairman of the Advisory Committee for the Cross River HOA, which is
25 located within the Agua Fria District. The Motion to Intervene stated that the members of the Cross
26 River HOA will be directly and substantially affected by the Commission’s decision in this matter and

27 ¹ EPCOR’s proposed form of mailing notice is appropriate.

28 ² The error was included in the Direct Testimony of Sheryl Hubbard at page 5. Correcting it in the public notice is appropriate.

1 that the Cross River HOA Board of Directors has appointed Ms. Noe to serve as its representative in
2 this matter. Ms. Noe included a signed statement to that effect from the Cross River HOA President.
3 The service list included on the Motion to Intervene does not include all of the parties to this matter as
4 of the date it was filed.

5 On June 29 and 30, 2016, EPCOR filed a Consent to Email Service and sent verification emails
6 to the Hearing Division.

7 On June 30, 2016, Consents to Email Service were filed for Cross River HOA, Diane Smith,
8 Douglas Edwards, and CBCCA. To date, the Hearing Division has not yet received a verification email
9 from any of them.

10 On July 1, 2016, an Application to Intervene was filed by the Anthem Community Council, Inc.
11 (“Anthem”), stating that it and its members are EPCOR customers who will be directly and
12 substantially affected by the outcome of this case and that it was granted intervenor status in a prior
13 EPCOR case.³ Anthem identified Jenna R. Kohl, Community Executive Officer, and Roger G. Willis,
14 Vice President of Anthem and Chair of the Anthem Utilities Panel, as its representatives for this matter
15 and provided a statement to that effect signed by the President of Anthem’s Board of Directors.
16 Anthem also filed a Consent to Email Service. The Hearing Division received verification emails from
17 Anthem on June 30 and July 1, 2016.

18 On July 6, 2016, an Intervenor Request was filed by Willard R. Hansen, who identified himself
19 as a resident of Sun City West, a longstanding EPCOR customer, a former president of SCW PORA,
20 and an experienced intervenor. Although Mr. Hansen stated that he had sent a copy of his Intervenor
21 Request to EPCOR, he did not indicate that he had also sent the Intervenor Request to all of the other
22 parties to this matter.

23 No objections to the Cross River HOA or Anthem requests for intervention have been filed.
24 However, it appears that the Cross River HOA may not have provided service of its Motion to Intervene
25 to the other parties to this matter. Thus, although it is appropriate to grant intervention to Anthem at
26 this time, it is not yet appropriate to grant intervention to the Cross River HOA. Rather, the Cross
27

28 ³ Anthem referenced Docket Nos. SW-01303A-09-0343 et al.

1 River HOA should be required to provide service of its Motion to Intervene upon the entire current
2 service list for this matter and to make a filing indicating that it has done so. No action will be taken
3 on the Cross River HOA's Motion to Intervene until such a filing has been made.

4 It is currently appropriate to approve email service consent for Frederick G. Botha, EPCOR,
5 and Anthem. As no verification emails have yet been received from Diane Smith, Douglas Edwards,
6 and CBCCA, it is not yet appropriate to approve their consents to email service. Additionally, because
7 Cross River HOA has not yet been granted intervention and has not yet sent a verification email, it is
8 not yet appropriate to approve its consent to email service.

9 IT IS THEREFORE ORDERED that **intervention** is hereby granted to the **Anthem**
10 **Community Council, Inc.**

11 IT IS FURTHER ORDERED that the requests by **Frederick G. Botha, EPCOR Water, Inc.,**
12 and the **Anthem Community Council, Inc.** to receive service of all filings in this docket, including
13 all filings by interested persons and Staff and all Procedural Orders and Recommended Opinions and
14 Orders/Recommended Orders issued by the Commission's Hearing Division, via their respective
15 designated email addresses rather than via U.S. Mail, are hereby **approved**.

16 IT IS FURTHER ORDERED that the **Cross River Home Owners Association** and **Willard**
17 **R. Hansen** shall each **provide service** of its/his respective request for intervention to the entire service
18 list for this matter⁴ and shall each **make a filing** indicating that such service has been made.

19 IT IS FURTHER ORDERED that notwithstanding the Procedural Order of June 3, 2016, the
20 requests for intervention filed by **Cross River Home Owners Association** and **Willard R. Hansen**
21 shall not be deemed denied if not approved within 20 days of their original filing dates.

22 ...

23 ...

24 ...

25 ...

26 ...

27 ⁴ The complete service list for this matter, which changes as additional interventions and consents to service by email
28 are approved, is available on the Commission's website using the eDocket function. Each party should ensure that any
filing made by the party includes the current service list for this matter.

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

DATED this 7th day of July, 2016.


SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 7th day of July, 2016, to:

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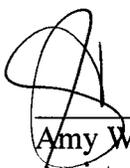
8 Daniel W. Pozefsky
9 Chief Counsel
10 Residential Utility Consumer Office
11 1110 West Washington St., Suite 220
12 Phoenix, Arizona 85007

11 **Pending Interventions**

12 Frances A. Noe, Advisory Committee Chairman
13 Cross River Homeowners Association
14 11756 West Daley Lane
15 Sun City West, Arizona 85373

15 Willard R. Hansen
16 12302 Swallow Drive
17 Sun City West, Arizona 85375

18
19 By: _____


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