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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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DOUG LITTLE – Chairman
BOB STUMP
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TOM FORESE
ANDY TOBIN

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JEFF STAPP,

DOCKET NO. W-01539A-16-0353

Complainant,

vs.

ROSE VALLEY WATER COMPANY, INC.,

PROCEDURAL ORDER
(Schedules Hearing)

Respondent.

BY THE COMMISSION:

On October 3, 2016, Jeff Stapp filed with the Arizona Corporation Commission (“Commission”) a Formal Complaint against Rose Valley Water Company, Inc. (“Rose Valley”).

On October 5, 2016, a Procedural Order was issued regarding consent to email service.

On October 27, 2016, Rose Valley filed its Response to Formal Complaint.

On November 1, 2016, a Procedural Order was issued scheduling a procedural conference for November 21, 2016.

On November 10, 2016, Rose Valley filed a request to continue the procedural conference scheduled for November 21, 2016, to accommodate holiday travels.

On November 15, 2016, a Procedural Order was issued rescheduling the procedural conference for December 7, 2016.

On December 7, 2016, the procedural conference was held as scheduled, with the Commission’s Utilities Division (“Staff”) appearing through counsel and both parties appearing *pro se*.¹ Mr. Stapp expressed his intention to proceed with an evidentiary hearing and the parties confirmed availability to

¹ Gary Brasher and Hoyt Pinaire appeared telephonically on behalf of Rose Valley.

1 attend a hearing in late January, 2017, or as soon as thereafter.

2 During the December 7, 2016, procedural conference, Mr. Stapp indicated he may choose to
3 introduce as evidence at the hearing affidavits from several of his neighbors. Because there is no
4 opportunity for the parties to cross-examine testimony submitted through affidavit, the parties are
5 advised that no affidavit testimony will be admitted at the hearing absent good cause shown.

6 IT IS THEREFORE ORDERED an **evidentiary hearing** in the above-captioned matter shall
7 commence on **January 31, 2017, at 10:00 a.m.**, or as soon thereafter as is practicable, at the
8 Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

9 IT IS FURTHER ORDERED all parties **must personally appear for the hearing**.

10 IT IS FURTHER ORDERED IT IS FURTHER ORDERED the parties **shall disclose** to one
11 another **any document(s) or other evidence to be presented at the hearing no later than January**
12 **20, 2017**.

13 IT IS FURTHER ORDERED any objection(s) to evidence presented will be considered and
14 ruled upon at the hearing.

15 IT IS FURTHER ORDERED that affidavit testimony will not be admissible at the evidentiary
16 hearing on **January 31, 2017**, absent good cause shown.

17 IT IS FURTHER ORDERED each party or prospective party shall **refer to the Procedural**
18 **Order Regarding Consent to Email Service** issued in this matter on **October 5, 2016**, for additional
19 information regarding the process to consent to service by email. Information regarding Consent to
20 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
21 Service Consent."

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

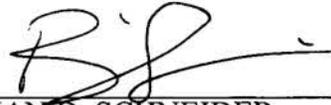
28 IT IS FURTHER ORDERED all parties must comply with Arizona Supreme Court Rules 31

1 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

8 DATED this 14 day of December, 2016.

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11 BRIAN D. SCHNEIDER
12 ADMINISTRATIVE LAW JUDGE
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1 On this 14th day of December, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order Scheduling a Hearing, and copies of the foregoing were mailed on behalf of the
3 Hearing Division to the following who have not consented to email service. On this date or as soon as
possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing
to the following who have consented to email service.

4 Gary Brasher
5 Rose Valley Water Company, Inc.
6 PO Box 1444
7 Green Valley, AZ 85622

8 Jeff Stapp
9 20371 N. 89th Drive
10 Peoria, AZ 85382

11 Janet Wagner, Interim Chief Counsel
12 Legal Division
13 ARIZONA CORPORATION COMMISSION
14 1200 West Washington Street
15 Phoenix, AZ 85007
16 Attorneys for Utilities Division
17 Legaldiv@azcc.gov
18 JXHatch-Miller@azcc.gov

Consented to Service by Email

19 COASH & COASH, INC.
20 Court Reporting, Video and Videoconferencing
21 1802 North 7th Street
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By: 
Staci Antrim
Assistant to Brian D. Schneider