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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

DOCKETED
JUN 5 2017

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (LITCHFIELD PARK
WATER & SEWER) CORP. TO EXTEND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
UTILITY SERVICE IN MARICOPA COUNTY,
ARIZONA.

DOCKET NO. SW-01428A-17-0120

PROCEDURAL ORDER
(Sets A Hearing)

BY THE COMMISSION:

On April 27, 2017, Liberty Utilities (Litchfield Park Water & Sewer) Corp. (“Liberty”) filed with the Arizona Corporation Commission (“Commission”) an application for an extension of its current Certificate of Convenience and Necessity (“CC&N”) to provide wastewater utility service to include the Falcon Ridge and Falcon View II developments located in certain defined portions in Maricopa County, Arizona.

On May 5, 2017, a Procedural Order was issued regarding consent to email service.

On May 30, 2017, the Commission’s Utilities Division (“Staff”) filed a Sufficiency Letter stating that Liberty’s application has met the sufficiency requirements as outlined in the Arizona Administrative Code (“A.A.C.”).

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

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **August 29, 2017, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission’s offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Liberty Utilities (Litchfield Park Water & Sewer) Corp. shall provide public notice of the hearing in this matter, in the following form and style with the heading in no less than 12-point bold type and the body in no less than 10-point regular type:

PUBLIC NOTICE OF HEARING ON THE APPLICATION OF LIBERTY UTILITIES (LITCHFIELD PARK WATER AND SEWER) CORP. TO EXTEND ITS EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY FOR ITS WASTEWATER UTILITY SERVICE IN MARICOPA COUNTY, ARIZONA.
DOCKET NO. SW-01428A-17-0120

Summary

On April 27, 2017, Liberty Utilities (Litchfield Park Water & Sewer) Corp. ("Liberty") filed with the Arizona Corporation Commission ("Commission") an application requesting that the Commission approve an extension of its current Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility service to include the Falcon Ridge and Falcon View II developments located in certain defined portions in Maricopa County, Arizona.

The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the application. **The Commission is not bound by the proposals made by Liberty, Staff, or any intervenors.** The Commission will issue a Decision regarding the application following consideration of testimony and evidence presented by all parties at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available from Liberty [COMPANY INSERT HOW AND WHERE AVAILABLE]; at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours; and on the Commission's website (www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **August 29, 2017, at 10:00 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. SW-01428A-17-0120 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket. However, all documents filed in this docket are available online (usually within 24 hours after docketing) at the Commission's website (www.azcc.gov) using the e-Docket function. You may choose to subscribe to an RSS feed for this case using the e-Docket function.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the 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-

1 examine other parties' witnesses. However, failure to intervene will not preclude any
2 interested person or entity from appearing at the hearing and providing public comment
3 on the application or from filing written comments in the record of the case.

4 To request intervention, you must file an **original and 13 hard copies** of a written request
5 to intervene with Docket Control, 1200 West Washington Street, Phoenix, AZ 85007, **no**
6 **later than August 7, 2017**. You also **must** serve a copy of the request to intervene on
7 each party of record, on the same day that you file the request to intervene with the
8 Commission. Information about intervention and sample intervention requests are
9 available on the Commission's website (www.azcc.gov) using the "Intervention in
10 Utility Cases" link.

11 Your request to intervene must contain the following:

- 12 1. Your name, address, and telephone number, and the name, address, and telephone
13 number of any person upon whom service of documents is to be made, if not
14 yourself;
- 15 2. A reference to **Docket No. SW-01428A-17-0120**;
- 16 3. A short statement explaining:
 - 17 a. Your interest in the proceeding (e.g., an owner of property in the proposed
18 extension area, etc.),
 - 19 b. How you will be directly and substantially affected by the outcome of the
20 case, and
 - 21 c. Why your intervention will not unduly broaden the issues in the case;
- 22 4. A statement certifying that you have served a copy of the request to intervene on
23 the utility or its attorney and all other parties of record in the case; and
- 24 5. If you are not represented by an attorney who is an active member of the Arizona
25 State Bar, and you are not representing yourself as an individual, sufficient
26 information and any appropriate documentation to demonstrate compliance with
27 Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

28 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
that all motions to intervene must be filed on or before August 7, 2017.

ADA/Equal Access Information

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

IT IS FURTHER ORDERED that Liberty shall **mail** to each property owner in the proposed
extension area a copy of the above notice and shall cause the above notice to be published at least once
in a newspaper of general circulation in the proposed extension area, with **publication and mailing** to
be completed no later than **July 10, 2017**.

IT IS FURTHER ORDERED that Liberty shall **file certification of mailing and publication**
as soon as possible after mailing and publication have been completed, but not later than **August 7,**
2017.

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

3 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits to be presented at
4 hearing shall be reduced to writing and filed on or before **July 31, 2017**.

5 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to writing
6 and filed on or before **August 14, 2017**.

7 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
8 except that all motions to intervene must be filed on or before **August 7, 2017**.

9 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on
10 or before **August 21, 2017**.

11 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
12 **Order Regarding Consent to Email Service** issued in this matter on **May 5, 2017**, for additional
13 information regarding the process to consent to service by email. Information regarding Consent to
14 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
15 Service Consent."

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

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

25 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
26 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

27 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
28 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision

1 in this matter is final and non-appealable.

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

5 DATED this 5th day of June, 2017.

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9 SASHA PATERNOSTER
10 ADMINISTRATIVE LAW JUDGE
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1 On this 5th day of June, 2017, the foregoing document was filed with Docket Control as a Procedural
2 Order – Sets A Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to
3 the following who have not consented to email service. On this date or as soon as possible thereafter,
4 the Commission’s eDocket program will automatically email a link to the foregoing to the following
5 who have consented to email service.

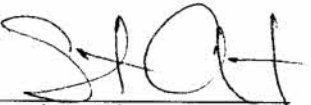
4 Jay Shapiro
5 SHAPIRO LAW FIRM, P.C.
6 1819 E. Morten Avenue, Suite 280
7 Phoenix, AZ 85020
8 Attorney for LIBERTY UTILITIES
9 (LITCHFIELD PARK WATER & SEWER) CORP.

8 Todd Wiley
9 General Counsel (West Region)
10 LIBERTY UTILITIES
11 (LITCHFIELD PARK WATER & SEWER) CORP.
12 12725 W. Indian School Rd., Suite 280
13 Avondale, AZ 85392

12 Andy Kvesic, Director
13 Legal Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007
17 LegalDiv@azcc.gov
18 utildivservicebyemail@azcc.gov

19 **Consented to Service by Email**

17 COASH & COASH, INC.
18 Court Reporting, Video and
19 Videoconferencing
20 1802 North 7th Street
21 Phoenix, AZ 85006
22 **Not a party, mailed as a courtesy**

21 By: 
22 Staci Antrim
23 Assistant to Sasha Paternoster
24
25
26
27
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