



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF
EPCOR WATER ARIZONA, INC., AN ARIZONA
CORPORATION TO EXTEND ITS EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. WS-01303A-16-0350

PROCEDURAL ORDER
(Reschedules Hearing)

BY THE COMMISSION:

On September 30, 2016, EPCOR Water Arizona, Inc. ("EPCOR" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval to extend its Certificate of Convenience and Necessity ("CC&N") to provide water utility service to the Laughlin Ranch development ("Laughlin Ranch") in Bullhead City, Mohave County, Arizona. Laughlin Ranch is comprised of five parcels: Units 1, 2, and 3 at Laughlin Ranch; The Heights at Laughlin Ranch; and The Canyons at Laughlin Ranch. EPCOR is currently certificated to serve Units 1 and 2 at Laughlin Ranch.¹

EPCOR requests expedited consideration of its application. According to the Company, a majority of the lots in Unit 3 at Laughlin Ranch were purchased in December of 2015, and as a condition of that sale, water service must transfer from LR Water, LLC ("LR Water")² to EPCOR by December 10, 2016.³ Further, EPCOR states that LR Water's system is high in arsenic and the solution to date has been for homes to have in-home filtration systems.

On October 4, 2016, one public comment was filed opposing the requested CC&N extension.

On October 7, 2016, the Company filed a Supplement to Application.

On October 28, 2016, the Company filed a Second Supplement to Application.

On November 1, 2016, the Commission's Utilities Division ("Staff") filed a Letter of

¹ According to the Company, Units 1 and 2 contain 352 of the 412 homeowners in Laughlin Ranch.

² LR Water is the current provider of water service to the lots in Unit 3 and The Canyons at Laughlin Ranch.

³ The Company states that approval of its application must occur by November 18, 2016, in order to meet that deadline.

1 Sufficiency indicating that the application meets the sufficiency requirements outlined in the Arizona
2 Administrative Code (“A.A.C”) R14-2-402.

3 On November 4, 2016, a Procedural Order was issued establishing various filing deadlines and
4 scheduling a hearing to commence on January 5, 2017.

5 On November 9, 2016, the Company filed a Third Supplement to Application.

6 On November 14, 2016, the Company filed a Request for Expedited Hearing Date requesting
7 that the hearing date be rescheduled for December of 2016, and stating that Staff has no objection to
8 EPCOR’s request. In support of its request, the Company states that expedited consideration will allow
9 EPCOR to alleviate the need for in-home filtration systems, as well as provide LR Water an opportunity
10 to meet its sale condition of transferring water service to EPCOR by December 10, 2016.

11 EPCOR offers no explanation as to why it waited nearly ten months from the date of sale of the
12 lots at Unit 3 at Laughlin Ranch to file the current application. Moreover, EPCOR does not claim any
13 health or safety concerns associated with the use of in-home filtration systems to address the arsenic
14 levels in LR Water’s system. Despite these facts, the hearing in this matter was set on an expedited
15 basis, on January 5, 2017.

16 Notwithstanding the lack of compelling reasons to support the request for expediting the
17 hearing further, since there is no objection from Staff, the following modifications to the procedural
18 schedule are reasonable and will comport with Due Process under the law.

19 IT IS THEREFORE ORDERED that the procedural schedule, including the hearing and various
20 filing dates, as set forth in the November 4, 2016 Procedural Order, are hereby modified as set forth
21 herein.

22 IT IS FURTHER ORDERED that the **hearing** in this matter is hereby **rescheduled** to
23 commence on **December 12, 2016, at 10:00 a.m.**, or as soon thereafter as is practical, at the
24 Commission’s offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

25 IT IS FURTHER ORDERED that EPCOR shall provide **public notice** of the hearing in this
26 matter, in the following form and style:

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**PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF
EPCOR WATER ARIZONA, INC. FOR APPROVAL OF AN EXTENSION OF A
CERTIFICATE OF CONVENIENCE AND NECESSITY
(DOCKET NO. WS-01303A-16-0350)**

Summary

On September 30 2016, EPCOR Water Arizona, Inc. (“EPCOR” or “Applicant”) 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 water utility service to the Laughlin Ranch development in Bullhead City, Mohave 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 EPCOR, Staff, or any intervenor(s).** 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 EPCOR [EPCOR TO INSERT HOW AND WHERE AVAILABLE]; at the Commission's Docket Control Center at 1200 West Washington, 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 **December 12, 2016, at 10:00 a.m.** at the Commission’s offices, Hearing Room No. 1, 1200 West Washington, 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. WS-01303A-16-0350 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, 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.

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

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than December 9, 2016.** You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are

1 available on the Commission's website (www.azcc.gov) using the "Intervention in
2 Utility Cases" link.

3 Your request to intervene must contain the following:

- 4 1. Your name, address, and telephone number, and the name, address, and telephone
5 number of any person upon whom service of documents is to be made, if not
6 yourself;
- 7 2. A reference to Docket No. WS-01303A-16-0350;
- 8 3. A short statement explaining:
 - 9 a. Your interest in the proceeding (e.g., an owner of property in the proposed
10 extension area, etc.),
 - 11 b. How you will be directly and substantially affected by the outcome of the
12 case, and
 - 13 c. Why your intervention will not unduly broaden the issues in the case;
- 14 4. A statement certifying that you have served a copy of the request to intervene on
15 the utility or its attorney and all other parties of record in the case; and
- 16 5. If you are not represented by an attorney who is an active member of the Arizona
17 State Bar, and you are not representing yourself as an individual, sufficient
18 information and any appropriate documentation to demonstrate compliance with
19 Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

20 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
21 that all motions to intervene must be filed on or before **December 9, 2016**. If
22 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
23 will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

24 **ADA/Equal Access Information**

25 The Commission does not discriminate on the basis of disability in admission to its
26 public meetings. Persons with a disability may request a reasonable accommodation
27 such as a sign language interpreter, as well as request this document in an alternative
28 format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail
SAbernal@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 EPCOR shall **mail a copy of the above notice to each
individual property owner and homeowner** in the proposed extension area **and** shall cause the above
notice to be published at least once in a newspaper of general circulation in the proposed extension
area, with mailing and publication to be completed no later than **November 25, 2016**.

IT IS FURTHER ORDERED that EPCOR shall **file certification of mailing and publication**
as soon as practicable after the mailing and publication have been completed, but no later than
December 9, 2016.

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

1 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits to be presented at
2 hearing shall be reduced to writing and filed on or before **November 29, 2016**.

3 IT IS FURTHER ORDERED that any **objection(s)** to the Staff Report shall be reduced to
4 writing and filed on or before **December 6, 2016**.

5 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
6 except that all motions to intervene must be filed on or before **December 9, 2016**.

7 IT IS FURTHER ORDERED that any objection(s) to any Motion(s) to Intervene shall be
8 presented at the hearing.

9 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m.** on the date the filing
10 is due, unless otherwise indicated.

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

14 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
15 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

25 DATED this 16th day of November, 2016.



SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

1 On this 16th day of November, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order – Reschedules 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
4 possible thereafter, the Commission’s eDocket program will automatically email a link to the foregoing
5 to the following who have consented to email service.

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9 **Consented to Service by Email**

10 Janet Wagner, Interim Director
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13 1200 West Washington Street
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16 JWagner@azcc.gov
17 JXHatch-Miller@azcc.gov

14 **Consented to Service by Email**

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