



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

NOV 04 2016

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

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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 FOR ITS MOHAVE DISTRICT
SYSTEM.

DOCKET NO. WS-01303A-16-0350

PROCEDURAL ORDER
(Sets 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 in Bullhead City, Mohave County, Arizona.

On October 4, 2016, one public comment was filed opposing the requested 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 Sufficiency indicating that the application meets the sufficiency requirements outlined in the 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 this proceeding.

IT IS THEREFORE ORDERED that a **hearing** on the application shall commence on **January 5, 2017, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

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

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

4 **Summary**

5 On September 30 2016, EPCOR Water Arizona, Inc. (“EPCOR” or “Applicant”) filed
6 with the Arizona Corporation Commission (“Commission”) an application requesting
7 that the Commission approve an extension of its current Certificate of Convenience and
8 Necessity (“CC&N”) to provide water utility service to the Laughlin Ranch
9 development in Bullhead City, Mohave County, Arizona.

10 The Commission’s Utilities Division (“Staff”) has not yet made a recommendation
11 regarding the application. **The Commission is not bound by the proposals made by**
12 **EPCOR, Staff, or any intervenor(s).** The Commission will issue a Decision regarding
13 the application following consideration of testimony and evidence presented by all
14 parties at an evidentiary hearing.

15 **How You Can View or Obtain a Copy of the Application**

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

20 **Arizona Corporation Commission Public Hearing Information**

21 The Commission will hold a hearing on this matter beginning **January 5, 2017, at 10:00**
22 **a.m.** at the Commission’s offices, Hearing Room No. 1, 1200 West Washington,
23 Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

24 Written public comments may be submitted by mailing a letter referencing Docket No.
25 WS-01303A-16-0350 to Arizona Corporation Commission, Consumer Services
26 Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on
27 the Commission’s website (www.azcc.gov) using the “Submit a Public Comment for a
28 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
Utility Cases" link.

2 Your request to intervene must contain the following:

- 3 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
4 yourself;
- 5 2. A reference to Docket No. WS-01303A-16-0350;
- 6 3. A short statement explaining:
 - 7 a. Your interest in the proceeding (e.g., an owner of property in the proposed
extension area, etc.),
 - 8 b. How you will be directly and substantially affected by the outcome of the
case, and
 - 9 c. Why your intervention will not unduly broaden the issues in the case;
- 10 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
- 11 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
12 information and any appropriate documentation to demonstrate compliance with
Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

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

17 **ADA/Equal Access Information**

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

24 IT IS FURTHER ORDERED that EPCOR shall **mail a copy of the above notice to each**
25 **individual property owner and homeowner** in the proposed extension area **and** shall cause the above
26 **notice to be published at least once in a newspaper of general circulation** in the proposed extension
27 area, with mailing and publication to be completed no later than **November 25, 2016**.

28 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 20, 2016.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication,
notwithstanding the failure of an individual property owner and 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 **December 6, 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 20, 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 reduced to writing and filed on or before **December 20, 2016**.

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 4th day of November, 2016.

26
27 
28 SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

1 On this 4th day of November, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order – Sets a Hearing, and copies of the foregoing were mailed on behalf of the Hearing
3 Division to the following who have not consented to email service. On this date or as soon as possible
4 thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the
5 following who have consented to email service.

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14 **Consented to Service by Email**

15 Janet Wagner, Interim Chief Counsel
16 Legal Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, AZ 85007
20 Attorneys for Utilities Division
21 JWagner@azcc.gov
22 TBroderick@azcc.gov

23 **Consented to Service by Email**

24 COASH & COASH
25 COURT REPORTING, VIDEO AND
26 VIDEOCONFERENCING
27 1802 North 7th Street
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By: 

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Assistant to Scott M. Hesla