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**BEFORE THE ARIZONA CORPORATION COMMISSION**

COMMISSIONERS

2019 JAN 28 P 12:01

ROBERT "BOB" BURNS – Chairman  
ANDY TOBIN  
BOYD DUNN  
SANDRA D. KENNEDY  
JUSTIN OLSON

IN THE MATTER OF THE APPLICATION OF  
EPCOR WATER ARIZONA, INC. FOR INTERIM  
WATER RATES PURSUANT TO A.A.C. R14-2-  
103(B)(11)(h).

DOCKET NO. WS-01303A-19-0011

**PROCEDURAL ORDER**  
**(Setting Procedural Conference)**

**BY THE COMMISSION:**

On December 31, 2018, the Arizona Corporation Commission ("Commission") Hearing Division issued a Recommended Opinion and Order ("ROO") in Docket No. WS-01303A-17-0257, which recommended approval of new rates and charges for EPCOR Water Arizona, Inc.'s ("EPCOR") 11 Water Districts.<sup>1</sup> The Commission discussed the ROO at its Regular Open Meeting on January 15 and 16, 2019, and at a Special Open Meeting on January 25, 2019. At the Commission's Special Open Meeting on January 25, 2019, the ROO failed to pass in a two-two vote.<sup>2</sup> At the conclusion of the Special Open Meeting, Chairman Burns ordered the Hearing Division to open a new docket for the purpose of considering EPCOR's application for interim rates pursuant to A.A.C. R14-2-103(B)(11)(h) and to commence the evidentiary hearing process by scheduling a procedural conference during the week of January 28, 2019.

On January 25, 2019, the Commission's Utilities Division ("Staff") filed a memorandum requesting the opening of this docket to facilitate the application by EPCOR for interim rates under A.A.C. R14-2-103(B)(11)(h) and the Emergency Surcharge process outlined in Docket No. W-00000C-16-0151.<sup>3</sup>

<sup>1</sup> Judicial Notice is taken of Docket No. WS-01303A-17-0257.

<sup>2</sup> Commission Sandra Kennedy recused herself from participation in Docket No. WS-01303A-17-0257 in a letter docketed on January 14, 2019.

<sup>3</sup> A.A.C. R14-2-103(B)(11)(h) anticipates a final decision on a request for interim rates within 60 days (plus an additional number of days for each day of hearing on the interim rate application) from the date of filing the request; the policies adopted in Docket No. W-00000C-16-0151 contemplate emergency surcharges in certain situations and encourage, *inter alia*, streamlined procedures in emergencies.

1           Consequently, it is necessary to convene a procedural conference to discuss the procedural  
2 guidelines for the anticipated evidentiary hearing. At a minimum, parties should be prepared to discuss  
3 the timeline for an expedited evidentiary hearing, public notice, and intervention (including whether  
4 the parties that were granted intervention in Docket No. WS-01303A-17-0257 may be granted  
5 intervention in this docket by indicating their desire to participate in a filing with Docket Control), as  
6 well as any issues raised by other parties or potential parties.

7           IT IS THEREFORE ORDERED that a **procedural conference** shall be held on **February 1,**  
8 **2019, at 10:30 a.m.,** or as soon thereafter as is practical, at the Commission's offices, 1200 West  
9 Washington Street, Phoenix, Arizona 85007.

10           IT IS FURTHER ORDERED that **EPCOR and Staff** shall confer and **prepare a proposed**  
11 **form of public notice** of the upcoming evidentiary hearing **to be filed prior to the February 1, 2019,**  
12 **procedural conference.**

13           IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**  
14 **Order Regarding Consent to Email Service** issued in this matter on **January 28, 2019,** for additional  
15 information regarding the process to consent to service by email. Information regarding Consent to  
16 Email Service is also available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "I Want  
17 To" and then "Learn about Consenting to Email Service."

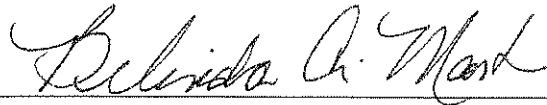
18           IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
20 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at  
21 all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

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

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

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

4 DATED this 28<sup>th</sup> day of January, 2019.

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BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

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1 On this \_\_\_\_\_ day of January, 2019, the foregoing document was filed with Docket Control as a  
 2 Procedural Order – Sets a Procedural Conference, and copies of the foregoing were mailed on behalf  
 3 of the 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.

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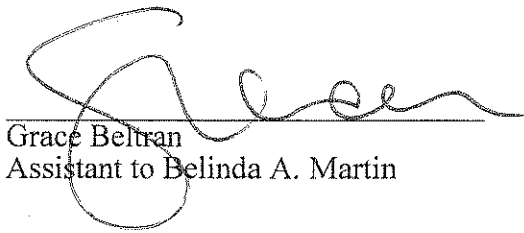
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