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Arizona Corporation Commission

2 COMMISSIONERS

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AZ CORP COMMISSION
DOCKET CONTROL

OCT 03 2007

DOCKETED BY	<i>MS</i>
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8 IN THE MATTER OF THE APPLICATION OF
9 CHAPARRAL CITY WATER COMPANY, AN
10 ARIZONA CORPORATION, FOR A
11 DETERMINATION OF THE CURRENT FAIR
12 VALUE OF ITS UTILITY PLANT AND
13 PROPERTY AND FOR INCREASES IN ITS
14 RATES AND CHARGES FOR UTILITY SERVICE
15 BASED THEREON.

DOCKET NO. W-02113A-04-0616

REMAND HEARING
FIFTH PROCEDURAL ORDER

12 **BY THE COMMISSION:**

13 On September 30, 2005, the Commission issued Decision No. 68176, granting a rate increase
14 to Chaparral City Water Company ("Chaparral City"). The parties to Decision No. 68176 include
15 Chaparral City, the Residential Utility Consumer Office ("RUCO"), and the Commission's Utilities
16 Division Staff ("Staff"). Chaparral City appealed Decision No. 68176 to the Arizona Court of
17 Appeals.

18 The Arizona Court of Appeals, Division One, considered Chaparral City's appeal, and on
19 February 13, 2007, issued its Memorandum Decision. The Memorandum Decision, per Judge
20 Lawrence F. Winthrop, Affirmed in Part, Vacated, and Remanded Decision No. 68176 to the
21 Commission for further determination.

22 On June 7, 2007, the Commission issued a Remand Hearing Procedural Order in this docket
23 establishing a schedule for a remand proceeding in accordance with the Memorandum Decision.

24 A Procedural Conference was held on June 22, 2007, for the purpose of making adjustments
25 in the established procedural schedule as necessary to eliminate scheduling conflicts. By Procedural
26 Order issued June 25, 2007, the hearing in the remand proceeding was continued to November 6,
27 2007, and associated procedural deadlines and dates were continued accordingly.

28

1 On July 6, 2007, Chaparral City filed an Amended Notice of Filing Revised Schedules of
2 Rates and Charges for Utility Service.

3 On August 30, 2007, Staff and RUCO docketed the prefiled direct testimony of their
4 witnesses.

5 On September 12, 2007, a Procedural Order was issued continuing the November 6, 2007,
6 hearing date at the request of Chaparral City. The Procedural Order also granted Chaparral City's
7 requests to continue the date for filing its rebuttal testimony from September 25, 2007, to October 31,
8 2007, and to set a procedural conference to discuss extension of other filing deadlines and a
9 continuation hearing date.

10 On October 2, 2007, the Procedural Conference was convened as scheduled, and the parties
11 reached agreement on dates for continuation of the hearing and associated procedural deadlines.

12 IT IS THEREFORE ORDERED that the **hearing in the remand proceeding** on the above-
13 captioned matter is hereby reset to commence on **January 28, 2008, at 10:00 a.m.**, or as soon
14 thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Arizona 85007.

15 IT IS FURTHER ORDERED that a **pre-hearing conference** shall be held on **January 25,**
16 **2008, at 1:30 p.m.**, at the Commission's offices, for the purpose of scheduling witnesses and the
17 conduct of the hearing.

18 IT IS FURTHER ORDERED that **surrebuttal testimony** and associated exhibits to be
19 presented at hearing on behalf of **the Residential Utility Consumer Office** and on behalf of **the**
20 **Commission's Utilities Division Staff** shall be reduced to writing and filed on or before **December**
21 **7, 2007.**

22 IT IS FURTHER ORDERED that **rejoinder testimony** and associated exhibits to be
23 presented at the hearing on behalf of **Chaparral City Water Company** shall be reduced to writing
24 and filed on or before **January 11, 2008.**

25 IT IS FURTHER ORDERED that any **objections to any testimony** or exhibits which have
26 been prefiled as of January 11, 2008, shall be made **before or at the January 25, 2008, pre-hearing**
27 **conference.**

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1 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
2 regulations of the Commission, except that: until November 26, 2007, any objection to discovery
3 requests shall be made within 7 calendar days¹ of receipt and responses to discovery requests shall be
4 made within 10 calendar days of receipt; thereafter, objections to discovery requests shall be made
5 within 5 calendar days of receipt and responses shall be made within 7 calendar days of receipt. The
6 response time may be extended by mutual agreement of the parties involved if the request requires an
7 extensive compilation effort. **No discovery requests shall be served after January 3, 2008.**

8 IT IS FURTHER ORDERED that all other requirements of prior remand proceeding
9 procedural orders remain in effect.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
11 Communications) continues to apply to this proceeding.

12 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
13 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

14 DATED this 3^d day of October, 2007.

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18 TEENA WOLFE
ADMINISTRATIVE LAW JUDGE

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28 ¹ The date of receipt of discovery requests is not counted as a day, and requests received after 4:00 p.m. MST will be considered as received the next business day.

1 Copies of the foregoing mailed/delivered
2 this 3rd day of October, 2007 to:

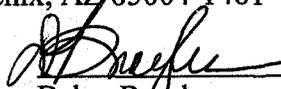
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27 By: 
28 Debra Broyles
Secretary to Teena Wolfe