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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

TOM FORESE – Chairman
BOB BURNS
ANDY TOBIN
BOYD DUNN
JUSTIN OLSON

AZ CORP COMMISSION
DOCKET CONTROL

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Arizona Corporation Commission

DOCKETED

MAR 13 2018

DOCKETED BY
[Signature]

IN THE MATTER OF THE APPLICATION OF
JOHNSON UTILITIES, LLC FOR A
DETERMINATION OF THE FAIR VALUE OF ITS
WATER AND WASTEWATER UTILITY PLANT
AND PROPERTY, FOR INCREASES IN ITS
RATES AND CHARGES FOR WATER AND
WASTEWATER UTILITY SERVICE, AND FOR
RELATED APPROVALS.

DOCKET NO. WS-02987A-17-0392

PROCEDURAL ORDER
(Sets a Procedural Conference)

BY THE COMMISSION:

On December 29, 2017, Johnson Utilities, LLC (“Johnson Utilities” or “Company”) filed an application with the Arizona Corporation Commission (“Commission”) for a determination of the fair value of its water and wastewater utility plant and property, for increases in its rates and charges for water and wastewater utility service, and for related approvals.

On February 14, 2018, Swing First Golf, LLC (“Swing First”) filed a Motion to Intervene.

On January 23, 2018, a Procedural Order was issued granting Swing First leave to intervene in this proceeding.

On January 24, 2018, the Residential Utility Consumer Office (“RUCO”) filed an Application to Intervene.

On January 25, 2018, Pulte Home Company, LLC (“Pulte”) filed a Motion to Intervene.

On January 25, 2018, Johnson Utilities filed corrected schedules to its application.

On January 29, 2018, the Commission’s Utilities Division (“Staff”) filed a Letter of Sufficiency stating that the application had met the sufficiency requirements outlined in Arizona Administrative Code (“A.A.C.”) R14-2-103, and classifying the Company as a Class A utility.

1 On January 30, 2018, a Procedural Order was issued establishing a procedural schedule to
2 govern the conduct and preparation of this proceeding, and scheduling a hearing to commence on
3 October 23, 2018.

4 On February 8, 2018, a Procedural Order was issued granting RUCO and Pulte leave to
5 intervene in this proceeding.

6 On February 14, 2018, Pinal County filed a Motion to Intervene.

7 On February 23, 2018, a Procedural Order was issued granting Pinal County leave to intervene
8 in this proceeding.

9 On March 1, 2018, Johnson Utilities filed a Motion for Continuance and Stay ("Motion")
10 requesting that the above-captioned proceeding be stayed pending a final determination in *United*
11 *States v. Gary Leonard Pierce, et al.*, Case No. CR-17-00713-001-PHX-JJT ("Federal Case"), which
12 is set for trial starting on May 30, 2018. According to the Company, this proceeding should abide by
13 the outcome of the Federal Case because the Commission ordered Johnson Utilities to file its pending
14 rate case application based solely on the allegations contained in the Federal Case. Johnson Utilities
15 further requests oral argument and an expedited ruling on its Motion.

16 On March 2, 2018, Staff filed its First Set of Data Requests to Johnson Utilities, LLC.

17 On March 5, 2018, Staff filed a Request for an Extension of Time requesting an extension of
18 time to respond to the Motion until March 16, 2018.

19 Under the circumstances, it is reasonable and appropriate to grant Staff's request for an
20 extension of time to file a response to the Company's Motion, and to allow any response to the Motion
21 to be filed on or before March 21, 2018. Although the Company requests expedited consideration of
22 its Motion, the Company has failed to show the existence of good cause to support its request, or
23 otherwise explain why the Company waited more than three months since the filing of its application
24 to request a continuance and stay of this proceeding.

25 IT IS THEREFORE ORDERED that **any response** to the Motion for Continuance and Stay
26 submitted on behalf of **Staff or an Intervenor** shall be filed on or before **March 21, 2018**.

27 IT IS FURTHER ORDERED that **any reply** in support of the Motion for Continuance and Stay
28 submitted on behalf of **the Company** shall be filed on or before **March 28, 2018**.

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IT IS FURTHER ORDERED that a **procedural conference** shall commence on **April 9, 2018, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s offices, 1200 West Washington Street, Phoenix, Arizona 85007. The purpose of the procedural conference will be to hear oral argument on the Company’s Motion for Continuance and Stay, as well as to discuss any other procedural and/or evidentiary issues raised by the parties.

IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural Order Regarding Consent to Email Service** issued in this matter on **January 9, 2018**, for additional information regarding the process to consent to service by email. Information regarding Consent to Email Service is also available on the Commission’s website (www.azcc.gov) by clicking on “I Want To” and then “Learn about Consenting to Email Service.”

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

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

DATED this 13th day of March, 2018.



SCOTT M. HESLA
ADMINISTRATIVE LAW JUDGE

On this 13th day of March, 2018, the foregoing document was filed with Docket Control as a Procedural Order – Sets a Procedural Schedule/Conference, and copies of the foregoing were mailed on behalf 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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