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FENNEMORE CRAIG  
A Professional Corporation  
Norman D. James (No. 006901)  
Jay L. Shapiro (No. 014650)  
3003 North Central Avenue  
Suite 2600  
Phoenix, Arizona 85012-2913  
Telephone: (602) 916-5000  
  
Attorneys for Arizona-American  
Water Company

2004 MAR 10 P 3: 56  
AZ CORP COMMISSION  
DOCUMENT CONTROL

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE  
APPLICATION OF ARIZONA-  
AMERICAN WATER COMPANY, AN  
ARIZONA CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR  
INCREASES IN ITS RATES AND  
CHARGES BASED THEREON FOR  
UTILITY SERVICE BY ITS SUN CITY  
WEST WATER AND WASTEWATER  
DISTRICTS.

IN THE MATTER OF THE  
APPLICATION OF ARIZONA-  
AMERICAN WATER COMPANY, INC.,  
AN ARIZONA CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR  
INCREASES IN ITS RATES AND  
CHARGES BASED THEREON FOR  
UTILITY SERVICE BY ITS SUN CITY  
WATER AND WASTEWATER  
DISTRICTS.

IN THE MATTER OF THE  
APPLICATION OF ARIZONA-  
AMERICAN WATER COMPANY, AN  
ARIZONA CORPORATION, FOR A  
DETERMINATION OF THE CURRENT  
FAIR VALUE OF ITS UTILITY PLANT  
AND PROPERTY AND FOR  
INCREASES IN ITS RATES AND  
CHARGES BASED THEREON FOR  
UTILITY SERVICE BY ITS MOHAVE  
WATER AND HAVASU WATER  
DISTRICTS.

**DOCKET NOS.** WS-01303A-02-0867  
WS-01303A-02-0868  
W-01303A-02-0869  
WS-01303A-02-0870  
W-01303A-02-0908

**(CONSOLIDATED)**

**ARIZONA-AMERICAN WATER  
COMPANY'S NOTICE OF FILING  
LETTER**

Arizona Corporation Commission

**DOCKETED**

MAR 10 2004

DOCKETED BY

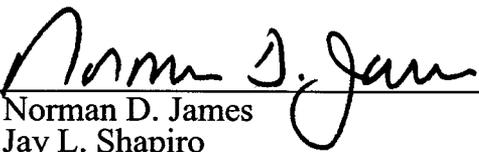
1 IN THE MATTER OF THE  
2 APPLICATION OF ARIZONA-  
3 AMERICAN WATER COMPANY, AN  
4 ARIZONA CORPORATION, FOR A  
5 DETERMINATION OF THE CURRENT  
6 FAIR VALUE OF ITS UTILITY PLANT  
7 AND PROPERTY AND FOR  
8 INCREASES IN ITS RATES AND  
9 CHARGES BASED THEREON FOR  
10 UTILITY SERVICE BY ITS ANTHEM  
11 WATER, AGUA FRIA WATER AND  
12 ANTHEM/AGUA FRIA WASTEWATER  
13 DISTRICTS.

8 IN THE MATTER OF THE  
9 APPLICATION OF ARIZONA-  
10 AMERICAN WATER COMPANY, AN  
11 ARIZONA CORPORATION, FOR A  
12 DETERMINATION OF THE CURRENT  
13 FAIR VALUE OF ITS UTILITY PLANT  
14 AND PROPERTY AND FOR  
15 INCREASES IN ITS RATES AND  
16 CHARGES BASED THEREON FOR  
17 UTILITY SERVICE BY ITS TUBAC  
18 WATER DISTRICT.

14 Arizona-American Water Company hereby gives notice that it has filed in the  
15 above-consolidated proceeding a copy of a letter dated March 10, 2004, to Commissioner  
16 William A. Mundell regarding an incident that occurred in February 2004 relating to  
17 Arizona-American's Havasu water district. A true copy of this letter is attached to this  
18 notice. A copy of Arizona-American's letter to Commissioner Mundell is being filed in  
19 this docket because it directly responds to a letter that Commissioner Mundell filed in the  
20 docket on March 3, 2004.

21 DATED this 10<sup>th</sup> day of March, 2004.

22 FENNEMORE CRAIG

23  
24 By   
25 Norman D. James  
26 Jay L. Shapiro  
Attorneys for Arizona-American Water  
Company

1 ORIGINAL and 21 copies  
2 of the foregoing were  
3 delivered this 10<sup>th</sup> day  
of March, 2004, to:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 W. Washington St.  
7 Phoenix, AZ 85007

8 COPY of the foregoing was  
9 delivered this 10<sup>th</sup> day of  
10 March, 2004 to:

11 Chairman Marc Spitzer  
12 Arizona Corporation Commission  
13 1200 W. Washington St.  
14 Phoenix, AZ 85007

15 Commissioner William Mundell  
16 Arizona Corporation Commission  
17 1200 W. Washington St.  
18 Phoenix, AZ 85007

19 Commissioner Mike Gleason  
20 Arizona Corporation Commission  
21 1200 W. Washington St.  
22 Phoenix, AZ 85007

23 Commissioner Jeff Hatch-Miller  
24 Arizona Corporation Commission  
25 1200 W. Washington St.  
26 Phoenix, AZ 85007

Commissioner Kristin Mayes  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

Paul Walker, Aide to Chairman Spitzer  
Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007

- 1 Adam Stafford, Aide to Commissioner Mundell  
Arizona Corporation Commission  
2 1200 W. Washington St.  
Phoenix, AZ 85007  
3
- 4 Jodi Jerich, Esq., Aide to Commissioner Gleason  
Arizona Corporation Commission  
5 1200 W. Washington St.  
Phoenix, AZ 85007  
6
- 6 Dean Miller, Aide to Commissioner Hatch-Miller  
Arizona Corporation Commission  
7 1200 W. Washington St.  
Phoenix, AZ 85007  
8
- 9 Jerry Hays, II, Aide to Commissioner Mayes  
Arizona Corporation Commission  
10 1200 W. Washington St.  
Phoenix, AZ 85007  
11
- 11 Teena Wolfe  
Administrative Law Judge  
12 Arizona Corporation Commission  
13 1200 West Washington  
Phoenix, AZ  
14
- 14 Timothy Sabo, Esq.  
Gary Horton, Esq.  
15 Legal Division  
16 Arizona Corporation Commission  
1200 West Washington  
17 Phoenix, AZ
- 18 Ernest G. Johnson, Director  
Utilities Division  
19 Arizona Corporation Commission  
1200 West Washington  
20 Phoenix, AZ
- 21 And a copy mailed this 10th  
day of March, 2004 to:  
22
- 22 Daniel Pozefsky  
Residential Utilities Consumer Office  
23 1110 W. Washington, Suite 220  
24 Phoenix, AZ 85007
- 25 Carlton G. Young  
3203 W. Steinbeck Dr.  
26 Anthem, AZ 85086

1 Frank J. Grimmelmann  
42441 N. Cross Timbers Court  
2 Anthem, AZ 85086

3 Raymond E. Dare  
Sun City Taxpayers' Association  
4 12611 N. 103<sup>rd</sup> Ave., Suite D  
Sun City, AZ 85351-3467

5 William P. Sullivan  
6 Paul R. Michaud  
Martinez & Curtis  
7 2712 N. 7<sup>th</sup> St.  
Phoenix, AZ 85006  
8 Attorneys for the Town of Youngtown

9 Walter Meek  
Arizona Utility Investors Association  
10 2100 N. Central Ave.  
Phoenix, AZ 85004

11 John Buric, Esq.  
12 Warner Angle Hallam Jackson & Formanek  
3550 N. Central Ave., Suite 1500  
13 Phoenix, AZ 85012  
Attorneys for Fiesta RV Resort

14 Kenneth C. Sundlof, Jr., Esq.  
15 Robert Taylor, Esq.  
The Collier Center, 11th Floor  
16 201 E. Washington St.  
Phoenix, AZ 85004-2385  
17 Attorneys for Sun Health Corporation

18

19

20

By Mary House  
1522723.1

21

22

23

24

25

26

Mr. William Mundell  
Commissioner  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007-2996

Administration

Your ref Ray L. Jones  
Phone 623-445-2411  
Fax 623-445-2451  
E-Mail [rjones@amwater.com](mailto:rjones@amwater.com)

March 10, 2004

**Re: Desert Hills Water Quality**

Dear Commissioner Mundell:

As you know, Arizona American Water provides water service to Desert Hills, an unincorporated portion of Mohave County near Lake Havasu City. Our Desert Hills service area is relatively small, serving 1,250 households with 3 wells and a three small primary booster stations. Water quality in the system has consistently met all regulatory requirements for many years.

On February 13, 2004, regular water quality tests showed that nitrates levels in a portion of the Desert Hills system were 12 mg/l. This was the first time that nitrates above the nitrate standard or maximum contaminant level (MCL) of 10 mg/l were detected. Previous measurement of nitrates ranged from 6mg/l to 8mg/l.

Arizona American recognizes that nitrates in drinking water are a serious concern for infants less than six months old. Considering that we received the test results late in the day on a Friday before a Holiday weekend, we were especially concerned about providing adequate notice to our customers. As a result, we determined the fastest and most thorough public notice would be paid radio advertising. We augmented this with a press release and a bill insert. While this far exceeds our regulatory requirement, we thought the combination of short-term tactics (paid radio advertising) with the long-term educational component of a bill insert would be a powerful combination.

I have attached copies of the following items:

- Radio ad copy
- Radio ad run schedule
- Customer bill insert
- Press release

During this time, our staff has been in contact with Marlin Scott Jr, and Janie Woller on the ACC staff to keep them apprised of our progress in notifying the public. Throughout this time we have made bottled water available to all of our customers at no charge. In addition Arizona American Water has implemented a plan to

Arizona American Water

101 Corporate Center  
19820 N. 7<sup>th</sup> Street -  
Suite 201  
Phoenix, Arizona 85024  
USA

T +1 623 445 2400  
F +1 623 445 2451  
I [www.amwater.com](http://www.amwater.com)

Page 2

supplement the water supply in Desert Hills. The plan involves the accelerated addition of a new well and booster station and construction of 1,000 feet of 10-inch diameter interconnection pipeline. The pipeline will connect the new well and booster station to the existing portion of the Desert Hills system experiencing high nitrates. With the addition of the new water supply, all of the Desert Hills system will again meet all water quality standards.

We have prioritized this project and have both our engineering and operations staffs working diligently on completing the well and pipeline. We expect the project to be fully operational not later than the end of April. Let me assure you that we are doing everything possible to expedite this project and provide drinking water to our customers meeting all regulatory standards at the earliest possible date.

I hope this information is helpful to you in better understanding the nitrate situation in Desert Hills and our public notification and remediation efforts we have undertaken as a result. We will continue to communicate with our customers over the next few weeks while we work diligently to eliminate the nitrate problem.

If you have any questions about our water service in Desert Hills or any other area, please call me directly at (623) 445-2411.

Sincerely,



Ray L. Jones  
President

Enclosure

30-second radio announcement:

Desert Hills area customer of Arizona American Water should take note. Recent water tests have revealed 12 milligrams per liter of nitrates. The national standard is 10 milligrams per liter. Infants less than six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. Tap water should not be used for mixing infant formula or juices. Nitrates in drinking water can come from a number of sources, including septic tanks. Only infants less than six months old are affected by this notice. Should you have any questions, please contact Arizona American Water at 800/383-0834.

FEB-18-2004 11:59 AM KJJJ KNTR

9288559333

Prot  
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102.3 &amp; 100.3

**KJJJ FM / KNTR AM**

1845 McCulloch Blvd. Ste. A-14 • P.O. Box 2009  
Lake Havasu City, AZ 86405-2009  
(928) 855-9338 • FAX (928) 855-9333  
E-Mail: radio@kjjjfm.com  
Web Sites: www.KJJJFM.com • www.KNTRAM.com



Mr. Kevin Tilden  
Arizona American Water, Co.

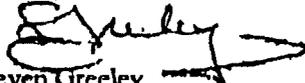
February 18, 2004

Dear Mr. Tilden,

This is to verify that radio station KJJJ-FM aired forty-two thirty-second commercials from February 12, 2004 through February 14, 2004 (with commercial copy you provided).

The attached log sheets show times each commercial was aired for the said dates. If you have any questions, please call.

Best regards,

  
Steven Greeley  
Owner

1-82  
3-3

FM RADIO STATION - KJJJ RUN DATE: 2/18/04 TIME: 10:54  
LOG EXCEPTION SHEET FOR Saturday, 2/14/04

CUSTOMER	Log Line	Time	Len	Cost	Cont-Im	Rate	Action
5142 ARIZONA AMERICAN WATER	262	04:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	263	07:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	264	09:13:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	265	09:10:00	30	6190	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	266	10:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	267	11:00:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	268	12:50:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	269	11:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	270	14:50:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	271	15:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	272	16:50:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	273	17:00:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	274	18:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	275	19:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT

FM RADIO STATION - KJJJ RUN DATE: 2/18/04 TIME: 10:55  
LOG EXCEPTION SHEET FOR Sunday, 2/15/04

CUSTOMER	Log Line	Time	Len	Cost	Cont-Im	Rate	Action
5142 ARIZONA AMERICAN WATER	218	05:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	219	07:30:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	220	08:23:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	221	09:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	222	10:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	223	11:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	224	12:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	225	13:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	226	14:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	227	15:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	228	16:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	229	17:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	230	18:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	231	19:30:00	30	6190	5122- 1	16.00	ADDED FROM CONTRACT

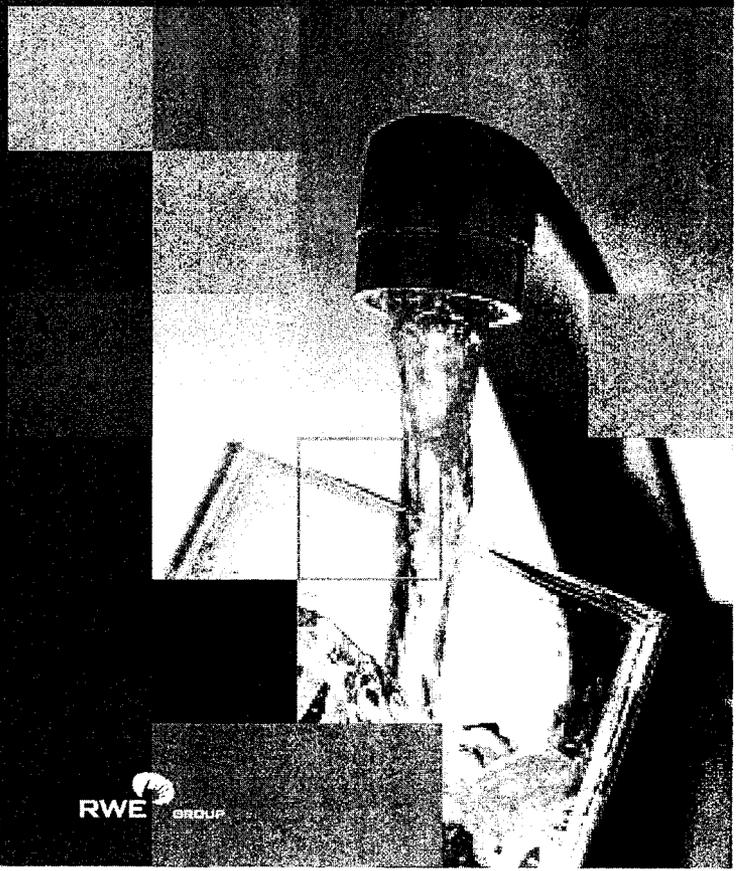
FM RADIO STATION - KJJJ RUN DATE: 2/18/04 TIME: 10:55  
LOG EXCEPTION SHEET FOR Monday, 2/16/04

CUSTOMER	Log Line	Time	Len	Cost	Cont-Im	Rate	Action
5142 ARIZONA AMERICAN WATER	272	06:15:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	273	07:50:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	274	08:30:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	275	09:30:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	276	10:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	277	12:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	278	12:02:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	279	13:00:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	280	14:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	281	15:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	282	16:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	283	17:50:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	284	18:50:00	30	6160	5122- 1	16.00	ADDED FROM CONTRACT
5142 ARIZONA AMERICAN WATER	285	19:30:00	30	6150	5122- 1	16.00	ADDED FROM CONTRACT

Arizona American Water  
Phone: 1-800-383-0834  
www.azamwater.com

notice

our vision...  
our values...



Arizona American Water is a subsidiary of RWE Group.



AW-AZ-0304-2



## Water Quality Notice

### About Nitrates in Your Water

At Arizona American Water, water quality is our number one commitment. We constantly monitor water quality, conducting hundreds of tests each year to measure and maintain the quality of the water we send to your home. Arizona American Water regularly samples the water quality in your water system. We do this to make sure your water meets or exceeds U.S. Environmental Protection Agency and Arizona Department of Environmental Quality (ADEQ) regulations. Each year, we do a comprehensive report of our test results, called the Annual Water Quality Report or Consumer Confidence Report. Look for this report in your mailbox in early June.

In a recent routine sampling on February 13, 2004, water sample results showed that nitrate levels in the area were 12 mg/l, which exceed the maximum nitrate standard of 10 mg/l. Although this is only two parts per million over the standard, high nitrates can be dangerous to infants. Nitrates in drinking water are a serious concern for infants less than six months old. Because of the possible danger, we immediately notified the public through radio and newspaper announcements. As a result of this exceedance, you should not give tap water to infants under six months, or use it to make infant formula.

### The cause for excess nitrate levels

Nitrates in drinking water can come from natural, industrial or agricultural sources, including septic systems. In 1997, ADEQ believed septic system discharge to be the largest contributor to groundwater quality deterioration when elevated nitrogen levels were found in wells throughout the City of Lake Havasu. Levels can vary throughout the year, and it is not now known when nitrates may reduce to levels safe for infants.

### How we are correcting this problem for the future

Nitrates in low concentration are not a problem for anyone, including infants. To prevent future nitrate levels that exceed safe standards, Arizona American Water will

be building a new pipeline to dilute water from the problem wells by blending it with water from a well with extremely low nitrate levels. This will ensure a reliable future supply and should prevent future unacceptable nitrate concentrations.

### When you will know this problem is solved

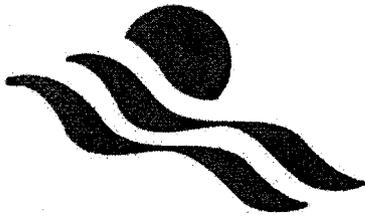
When nitrates are fully reduced, customers will be notified. If nitrates continue to be high, customers will be notified at least every three months.

### High nitrate levels only impact infants

Desert Hills area Arizona American Water customers should not give water to infants below the age of six months. Infants below the age of six months who drink water containing nitrates in excess of standards could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately. Adults and children older than six months process nitrates differently than infants and may not be affected.

Tap water should not be used to prepare juice from concentrate for infants or infant formula. Bottled or other water low in nitrates should be used until further notice. Bottled water will be made available by contacting 928-763-0486. Boiling, freezing, filtering or letting the water stand will NOT reduce the nitrate level. Well-maintained reverse osmosis systems should remove most of the nitrates in tap water. Adults and children more than six months old process nitrates differently than infants less than six months old and may not be affected by high nitrates. If you are pregnant or have specific health concerns, please contact your doctor.

If customers have any questions or concerns, contact Arizona American Water at (800) 383-0834.



# Arizona American Water

**FOR IMMEDIATE RELEASE**  
February 13, 2004

**Contact:** Arizona American Water  
Phone: 800-383-0834

## DRINKING WATER NOTICE DESERT HILLS WATER CUSTOMERS MAY HAVE HIGH LEVELS OF NITRATES

Do not give the water to infants under 6 months old, or use it to make infant formula

(Desert Hills, AZ – Feb. 13, 2004) – Arizona American Water, in compliance with United States Environmental Protection Agency and the Arizona Department of Environmental Quality regulations, regularly samples source and treated water in its water system. In a recent routine sampling, water sample results received on February 13, 2004, showed that nitrates levels in the area were 12 mg/l. This is above the nitrate standard or maximum contaminant level (MCL) of 10 mg/l. Nitrates in drinking water are a serious concern for infants less than six months old.

Desert Hills area customers of Arizona American Water should not give water to infants below the age of six months. Infants below the age of six months who drink water containing nitrates in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome. Blue baby syndrome is indicated by blueness of the skin. Symptoms in infants can develop rapidly with health deteriorating over a period of days. If symptoms occur, seek medical attention immediately.

Tap water should not be used to prepare juice from concentrate or infant formula. Bottled or other water low in nitrates should be used until further notice. Boiling, freezing, filtering or letting the water stand will not reduce the nitrate level. Well maintained reverse osmosis systems should remove most of the nitrates in tap water. Adults and children more than six months old process nitrates differently than infants

less than six months old and may use the water. If you are pregnant or have specific health concerns, please contact your doctor.

Nitrates in drinking water can come from natural, industrial or agricultural sources, including septic systems. In 1997, ADEQ believed septic system discharge to be the largest contributor to groundwater quality deterioration when elevated nitrogen levels were found in wells throughout the City of Lake Havasu. Levels can vary throughout the year, and it is not now known when levels may reduce to be below the MCL. When nitrates are reduced customers will be notified. If nitrates continue to be high customers will be notified at least every three months.

If customers have any questions or concerns, contact Arizona American Water at (800) 383-0834

###