

ORIGINAL



0000016254

BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER  
Chairman  
WILLIAM A. MUNDELL  
Commissioner  
JEFF HATCH-MILLER  
Commissioner  
MIKE GLEASON  
Commissioner  
KRISTIN K. MAYES  
Commissioner

2004 DEC 29 P 4: 43

AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission  
**DOCKETED**

DEC 29 2004

DOCKETED BY *KS*

**IN THE MATTER OF  
THE APPLICATION OF MOUNTAIN  
GLEN WATER SERVICE, INC. FOR A  
PERMANENT RATE INCREASE IN  
MARICOPA COUNTY, ARIZONA**

**DOCKET NO.: W-03875A-03-0737**

**MOTION TO EXTEND DEADLINES IN  
DECISION NO. 67277**

**IN THE MATTER OF  
THE APPLICATION OF MOUNTAIN  
GLEN WATER SERVICE, INC. FOR  
FINANCIAL APPROVAL IN MARICOPA  
COUNTY, ARIZONA**

**DOCKET NO.: W-03875A-03-0870**

**MOTION TO EXTEND DEADLINES IN  
DECISION NO. 67277**

Mountain Glen Water Service, Inc. ("Mountain Glen"), through undersigned counsel, hereby moves to extend the deadlines in Decision No. 67277 of the Arizona Corporation Commission ("ACC") in the above-captioned matter.

In Decision No. 67277, the ACC approved Mountain Glen's Application to Extend Its Certificate and Convenience and Necessity. Pursuant to the Opinion and Orders, Findings of Fact ¶21, the Staff recommended that the ACC approve Mountain Glen's Application, subject to the following conditions:

- (3) That Mountain Glen file, prior to serving any customers in the proposed extension area or by December 31, 2004, whichever is sooner, with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Construction issued by ADEQ; and
- (4) That Mountain Glen file, prior to serving any customers in the proposed extension area or by December 31, 2004, whichever is sooner, with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Sanitary Facilities for Subdivisions issued by ADEQ.

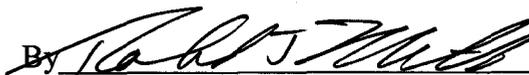
1 Although Mountain Glen has been diligently working with the developer of the Linden Trails  
2 Subdivision, Mountain Glen will need additional time to file the developer's Certificate of Approval of  
3 Construction and Certificate of Approval of Sanitary Facilities as these documents have not yet been  
4 received by the developer from ADEQ.

5 On October 15, 2004, Mountain Glen returned to Mustang Development, the developer of  
6 Linden Trails, the Financial Capacity & Technical Capacity Form (attached hereto as Exhibit "A") that  
7 had been requested by Linden Trails to be forwarded to ADEQ for the necessary approvals as set forth  
8 above. By December 13, 2004, having not yet received the requisite Certificates of Approval from  
9 ADEQ, counsel for Mountain Glen wrote to counsel for Linden Trails reminding the developer of the  
10 deadlines as set forth in Decision No. 67277. Counsel for Linden Trails informed counsel for  
11 Mountain Glen that although he did not currently represent the developer, he would forward the  
12 correspondence to his attention. (See letter dated December 13, 2004, attached as Exhibit "B.") On  
13 December 28, 2004, Mountain Glen's representative, Beatrice Parker, contacted Mr. Stephen Camp of  
14 ADEQ to inquire as to the status of the above-mentioned Certificates of Approval. Mrs. Parker was  
15 informed by Mr. Camp that although the developer has submitted the necessary documentation, ADEQ  
16 does not anticipate issuing the requisite approvals until after the December 31, 2004 deadline.

17 Therefore, with good cause appearing, Mountain Glen moves to extend the deadlines to file the  
18 developer's Certificate of Approval of Construction and Certificate of Approval of Sanitary Facilities  
19 by March 31, 2005. Neither Mountain Glen, nor the developer, have been dilatory in seeking such  
20 approvals and Mountain Glen hereby requests this short extension to comply with Decision No. 67277,  
21 such extension being in the public interest.

22 RESPECTFULLY SUBMITTED this 27 day of December, 2004.

23 **LOOSE, BROWN & ASSOCIATES, P.C.**

24  
25 By 

26 Donald A. Loose

27 C. Kyle Brown

28 Robert J. Metli

*Attorneys for Mountain Glen Water Service, Inc.*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*ORIGINAL and 13 copies of the foregoing filed this 29<sup>th</sup> day of December, 2004, with:*

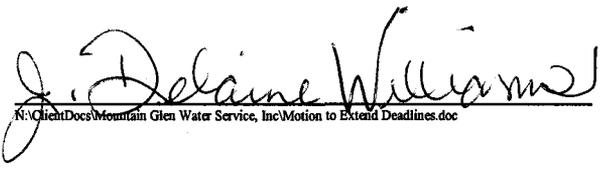
Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

*COPIES of the foregoing hand-delivered this 29<sup>th</sup> day of December, 2004, to:*

Lyn Farmer  
Chief Administrative Judge  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Chris Kempley  
Chief Counsel, Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Ernest Johnson  
Director, Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

  
N:\ClientDocs\Mountain Glen Water Service, Inc\Motion to Extend Deadlines.doc

MOUNTAIN GLEN WATER SERVICE, INC.

P.O. Box 897  
Clay Springs, AZ 85923  
(928) 739-4770 or (928) 739-4479  
(928) 739-4186 FAX

October 15, 2004

Mr. Jeff Vitale  
Mustang Development  
Linden Trails  
3951 E. Kael Circle  
Mesa, AZ 85215

Dear Mr. Vitale:

Enclosed is the Financial Capacity and Technical Capacity Forms you requested completed. I have answered the questions for which I had data. The remaining questions pertain to information for which you should have data.

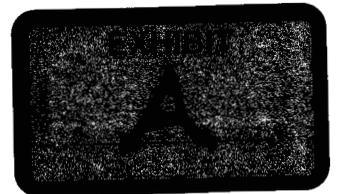
Please let me know if there is anything else I can do.

Thank you,



BEATRICE I. PARKER

Cc: Robert Metli  
Loose Brown and Associates, P.C.  
11209 N. Tatum Blvd., Suite 130  
Phoenix, AZ 85028



OCT 15 2004

Rec'd 10/8/04 Ben Parker

Oct. 4, 2004

Mountain Glen Water Co.  
4773 Sawmill Rd.  
Clay Springs, Az. 85923

Re: Linden Trails

To Whom it May Concern:

The enclosed paperwork needs to be filled out by you and returned to us so that we can forward it to ADEQ for approval of construction a.s.a.p.

Return it to: Linden Trails  
3951 E. Kael Circle  
Mesa, Az. 85215

Linden Trails Subdivision  
Jeff Vitale

480-641-8133

Financial Capacity

- |   | Yes                                 | No                       | N/A                                 |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 22. Is the system regulated by the Arizona Corporation Commission (ACC) or ADWR? If Yes go to Question 23. If No go to Question 25.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 23. Has the system received an approval from the ACC on its fee structure, or ADWR on its financial capacity?   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 24. Systems regulated by the Arizona Corporation Commission or Department of Water Resources shall provide information required in 22 and 23 for the financial capacity determination review by ADEQ. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 25. For New CWSs and NTNCWS NOT regulated by ACC, is all information listed in Appendices C and D included?   | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- The decision of the ACC is adequate per Kathy Stevens*  
*Fee info attached*

Historical Note

Appendix A adopted by final rulemaking effective September 23, 1999; the A.A.R. citation was not available at the time of publication and will appear in Supp. 99-4 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4456, effective September 23, 1999 (Supp. 99-4).

Appendix B

Drinking Water Capacity Development Statement of Responsibility

**Applicant Information:**

Name: Mountain Glen Water Service, Inc

Mailing Address: PO Box 897 Clay Springs, AZ 85923

Phone Number: (928) 739-4770 Fax Number: (928) 739-4186 E-mail: bgwen02@yahoo.com

**Statement Information:**

1) Name of Water System: Mountain Glen Water Service, Inc / Linden Trails Subdivision PWS ID# \_\_\_\_\_

2) Ownership Type (Please check all that apply):

<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Major Stockholders	<input type="checkbox"/> Board of Directors
<input type="checkbox"/> Cooperative	<input type="checkbox"/> Government Agency	<input type="checkbox"/> District
<input type="checkbox"/> Public Entity	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Corporation
<input type="checkbox"/> Other (please explain) _____		

3) Name of Owner(s): (Check one) See below Attach a separate sheet if more space is needed

Owner 1: William James Parker

Owner 2: Beatrice I. Parker

Owner 3: \_\_\_\_\_

4) Agencies with rules applicable to the Water System: (Please check all that apply)

<input checked="" type="checkbox"/> Arizona Department of Environmental Quality	<input checked="" type="checkbox"/> Arizona Corporation Commission
<input checked="" type="checkbox"/> Arizona Department of Water Resources	<input type="checkbox"/> Arizona Department of Real Estate
<input type="checkbox"/> Arizona Department of Commerce	<input type="checkbox"/> Arizona Department of Agriculture
<input type="checkbox"/> Arizona Department of Corrections	<input type="checkbox"/> Office of the Fire Marshal
<input type="checkbox"/> Arizona Land Department	<input checked="" type="checkbox"/> Arizona Department of Revenue
<input type="checkbox"/> Arizona Department of Transportation	<input type="checkbox"/> Maricopa County Environmental Services
<input type="checkbox"/> Pima County Department of Environmental Quality	<input type="checkbox"/> Environmental Protection Agency Region IX
<input type="checkbox"/> Other(s) please specify _____	

page 1 of 2

Department of Environmental Quality - Safe Drinking Water

5) Statement of Intent (Select one):

It IS the intent of the owner or developer of this NEW CWS or NEW NTNCWS to transfer ownership of the water system. As part of the ownership transfer, it is understood that the owner or developer has a responsibility to disclose and transfer ALL information relevant to the construction and operation of the water system to the new owner.

It is NOT the intent of the owner to transfer ownership of the NEW CWS or NTNCWS within one year of the completion of construction of the water system.

6) Date owner expects to begin operation:

Month October Day \_\_\_\_\_ Year 2004

7) Drinking Water Sources used: (Select all that apply)

Ground Water

Purchased Ground Water

Surface Water

Purchased Surface Water

8) Table of Contents of Systems Elementary Business Plan (Please check one):

The Table of Contents of the Elementary Business Plan is attached.

The Table of Contents of the Elementary Business Plan is summarized below.

Summary \_\_\_\_\_

---

9) Signature of each current owner: Check if additional signature page is attached \_\_\_\_\_

I agree to comply with the requirements of 18 A.A.C. 4, Article 5.

Print Name: William James Parker Signature: [Signature] Date: 10/14/04

Print Name: Beatrice I. Parker Signature: [Signature] Date: 10/14/04

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

page 2 of 2

Historical Note

Appendix B adopted by final rulemaking effective September 23, 1999; the A.A.R. citation was not available at the time of publication and will appear in Supp. 99-4 (Supp. 99-3). Amended by final rulemaking at 5 A.A.R. 4456, effective September 23, 1999 (Supp. 99-4).



**MOUNTAIN GLEN WATER SERVICE, INC.**

P.O. BOX 897  
Clay Springs, AZ 85923  
(928) 739-4770  
(928) 739-4186 FAX

**Attachment A**

- #14. William J. Parker oversees the Plant Operation and Maintenance.  
Beatrice I. Parker performs all clerical duties including billing.**

**MOUNTAIN GLEN WATER SERVICE, INC  
SCHEDULE OF RATES AND CHARGES**

Approved by the Arizona Corporation Commission, and rates effective on August 10, 2004, Docket No. W-03875A-03-3737, et al., Decision No. 67163.

<b>MONTHLY USAGE CHARGE</b>	<b>RATES</b>
5/8" x 3/4" Meter	\$ 20.25
3/4" Meter	30.38
1" Meter	50.63
1-1/2" Meter	101.25
2" Meter	162.00
3" Meter	303.75
4" Meter	506.25
6" Meter	1,012.50

<b>COMMODITY RATES (Charge Per 1,000 Gallons)</b>	
1st Tier - 0-5,000 Gallons	\$ 2.70
2nd Tier - 5,001-20,000 Gallons	3.30
3rd Tier - over 20,000 Gallons	3.80

<b>SERVICE LINE AND METER INSTALLATION CHARGES</b>	
5/8" x 3/4" Meter	\$ 550.00
3/4" Meter	580.00
1" Meter	675.00
1-1/2" Meter	710.00
2" Meter	1,110.00
3" Meter	1,490.00
4" Meter	2,295.00
6" Meter	4,305.00

<b>SERVICE CHARGE</b>	
Establishment	\$ 30.00
Establishment (After Hours)	45.00
Reconnection (Delinquent)	35.00
Reconnection (Delinquent) after hours	45.00
Meter Test (If Correct)	40.00
Deposit	*
Deposit Interest	*
Re-Establishment (within 12 months)	**
NSF Check	\$ 15.00
Deferred Payment	1.50%
Meter Re-read (If Correct)	\$ 15.00
Late Payment Penalty	N/A
Main Extension	Cost

\* Per Commission Rule AAC R-14-2-403(B).

\*\* Months off system times the monthly minimum per Commission rule AAC R-14-2-403(D).



• Business • Litigation • Estates

DONALD A. LOOSE\*  
C. KYLE BROWN  
DENISE A. SCAMMON  
ROBERT J. METLI

\*ALSO ADMITTED IN MICHIGAN

Loose, Brown & Associates, P.C.  
Anasazi Plaza  
11209 N. Tatum Blvd., Suite 130  
Phoenix, AZ 85028  
tel. 602.971.4800 • fax 602.953.3621  
[www.loosebrown.com](http://www.loosebrown.com)

OF COUNSEL:  
FREY & McCUE  
GARY M. GALLNER

Writer's E-mail:  
[robert@loosebrown.com](mailto:robert@loosebrown.com)

December 13, 2004

**VIA FACSIMILE: 602-256-6800 & U.S. MAIL**

Michael W. Patten, Esq.  
Roshka, Heyman & DeWulf, P.L.C.  
400 East Van Buren Street, Suite 800  
Phoenix, Arizona 85004-2262

**RE: Mountain Glen Water Service, Inc.**

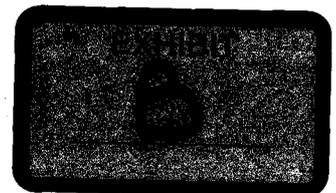
Dear Mike:

Pursuant to the opinion of an Order issued by the Arizona Corporation Commission dated October 5, 2004, approval Mountain Glen Water Service, Inc.'s ("MGWS") Application depends upon the following conditions:

- 3) that MGWS, prior to December 31, 2004, file with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Construction issued by ADEQ; and
- 4) that MGWS, prior to December 31, 2004, file with the Commission's Docket Control, a copy of the developer's Certificate of Approval of Sanitary Facilities for Subdivisions issued by ADEQ.

As you are aware, the Certificate of Approval of Construction, as well as the Certificate of Approval of Sanitary Facilities for Subdivisions would be issued by ADEQ to your client, Mustang Development, Inc. To date, this office has not received a copy of those documents or proof that such has been filed with the Arizona Corporation Commission. If such documentation has been filed as required by the Opinion and Order, please forward a copy to this office for my records. If, in fact, your client has yet to obtain the required documentation, please contact me at your earliest convenience to inform me whether your client plans to obtain such documentation prior to the proposed deadline. If not, please contact me prior to the deadlines so I may file the necessary request and/or necessary motion to extend those deadlines. Further, if your client has yet to receive such documentation from ADEQ, please provide an explanation as to the reasons for the delays.

A copy of this letter will be filed with Docket Control. If we do not hear from you prior to the above-referenced deadlines, we will be forced to file a motion to modify the Opinion and Order, as well as a request for hearing and possible order to show cause.



December 13, 2004  
Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

**LOOSE, BROWN & ASSOCIATES, P.C.**



Robert J. Metli

RJM:jdw

cc: William and Bea Parker ✓

Docket Control ✓

N:\Client\Docs\Mountain Glen Water Service, Inc\LTR\_Michael W. Patten, Esq.\_02.doc