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BEFORE THE ARIZONA CORPORATE COMMISSION

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2005 OCT 25 P 3:10

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION
OF BLACK MOUNTAIN SEWER
COMPANY, AN ARIZONA
CORPORATION, FOR A
DETERMINATION OF THE FAIR VALUE
OF ITS UTILITY PLANT AND PROPERTY
AND FOR INCREASES IN ITS RATES
AND CHARGES FOR UTILITY SERVICE
BASED THEREON.

DOCKET NO. SW-02361A-05-0657

STIPULATION

On October 18, 2005 Administrative Law Judge Teena Wolfe ("ALJ Wolfe") issued a Procedural Order in the above captioned matter. ALJ Wolfe ordered a Procedural Conference at the request of Black Mountain Sewer Company ("Company"). On October 17, 2005, the Company requested an emergency Procedural Conference to address its objections to the Deficiency Letter docketed by the Utilities Division Staff ("Staff") on October 14, 2005.

In the letter, Staff notified the Company that its application did not meet the sufficiency requirements outlined in Arizona Administrative Code ("A.A.C.") § R14-2-103. In particular, Staff stated that the application did not include a cost of service study. Staff also stated that it would not require a fully embedded cost of service study if the Company provided specified information no later than October 31, 2005. The information was listed in an attachment to the Deficiency Letter. The Company did not and does not agree that it was required to file a cost of service study in this case. Staff continues to maintain that A.A.C. § R14-2-103 requires the study.

On October 18, 2005 ALJ Wolfe cancelled the Procedural Conference because she was not available. Meanwhile, the Company and Staff informed ALJ Wolfe that they had reached

1 an agreement resolving the Company's concerns. Therefore, the Procedural Conference was
2 not rescheduled pending submission of an agreement.

3 The Company and Staff hereby stipulate and agree that Staff will issue a Letter of
4 Sufficiency subject to the following condition:

5 If the Company does not provide the information listed in
6 Attachment 1 within 60 calendar days of a Procedural Order
7 approving this Stipulation, the time clock in the above captioned
8 matter will be suspended until the Company provides such
9 information.

10 Thus, the Company and Staff agree to treat Staff's request for additional information in the
11 nature of a data request. In the event of any dispute between the Company and Staff over the
12 sufficiency of the Company's response, either party may request intervention by the Hearing
13 Division.

14 The Company and Staff further stipulate and agree that Staff will docket the Letter of
15 Sufficiency within two business days of a Procedural Order approving this Stipulation, and
16 that the time clock will commence when the letter is docketed. Finally, the Company and
17 Staff request that this Stipulation be approved in a Procedural Order.

18 RESPECTFULLY SUBMITTED this 25th day of October, 2005.

19 

20 Keith Layton, Attorney
21 Diane Targovnik, Attorney
22 Arizona Corporation Commission
23 Legal Division
24 1200 West Washington Street
25 Phoenix, Arizona 85007
26 Attorneys for Staff

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28 Jay L. Shapiro
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Attorneys for Black Mountain Sewer Company



1 Original and 13 Copies filed this
2 25th day of October, 2005 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copies of the foregoing were mailed on the
8 25th day of October, 2005 to:

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