

OPEN MEETING AGENDA ITEM
ORIGINAL
BEFORE THE ARIZONA CORPORATION CC
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COMMISSIONERS

JEFF HATCH-MILLER, Chairman 2005 NOV 22 P 3:41
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON AZ CORP COMMISSION
KRISTIN K. MAYES DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
CLEAR SPRINGS UTILITY COMPANY, INC.
FOR A RATE INCREASE.

DOCKET NO. WS-01689A-05-0612
**EXCEPTIONS TO RECOMMENDED
OPINION AND ORDER**

Administrative Law Judge (“ALJ”) Jane Rodda issued a Recommended Opinion and Order (“ROO”) in the above captioned proceeding on November 18, 2005. At paragraph 13, ALJ Rodda noted that the Utilities Division Staff of the Arizona Corporation Commission (“Staff”) “recommends that the Company’s ADEQ Compliance Status Report be submitted and reviewed prior to the Commission voting on this item at Open Meeting.” At the time Staff docketed its Staff Report on September 28, 2005, Applicant Clear Springs Utility Company Inc. (the “Applicant” or the “Company”) had requested a Compliance Status Report from the Arizona Department of Environmental Quality (“ADEQ”), but had not yet received it.

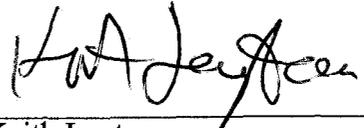
On November 14, 2005, ADEQ issued a Compliance Status Report indicating that the Company is in total compliance. Staff recommends that paragraph 13 of the ROO be amended as follows:

At the time the Staff Report was prepared by the Arizona Department of Environmental Quality (“ADEQ”) had not responded to the Company’s request for a Compliance Status Report. Consequently, Staff RECOMMENDED that the Company’s ADEQ Compliance Status Report be submitted and reviewed prior to the Commission voting on this item at Open Meeting. ON NOVEMBER 14, 2005, ADEQ ISSUED A COMPLIANCE STATUS REPORT INDICATING THAT THE COMPANY IS IN TOTAL COMPLIANCE. STAFF REVIEWED THE COMPLIANCE STATUS REPORT AND HAS DETERMINED THAT THE COMPANY IS IN COMPLIANCE WITH ADEQ REQUIREMENTS.

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1 Staff further recommends that the ordering paragraph on page 4 of the ROO at lines 5 through
2 7 be deleted. The ordering paragraph is no longer necessary if the above recommendations are
3 adopted.

4 RESPECTFULLY SUBMITTED this 22nd day of November, 2005.

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11 Original and 13 copies were filed this
12 22nd day of November, 2005 with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 Copies of the foregoing were mailed on this
18 22nd day of November, 2005 to:

19 Bonnie O'Connor
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21 P.O. Box 85160
22 Tucson, AZ 85754

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