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FORTY-NINER WATER COMPANY INC.

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May 9, 2001

Arizona Corporation Commission
Utilities Division
Compliance Section
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

MAY 16 2001

Re: Docket No. W-01777A-01-0315
Decision No. 63659

DOCKETED BY	<i>sd</i>
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Dear Sir or Madam;

As per the above noted Docket and Decision Number we are submitting the enclosed curtailment tariff as approved by the Commission on May 5, 2001.

The curtailment plan will be mailed to each individual customer with the regular monthly water bill on or about May 28, 2001.

If further information is needed, please do not hesitate to call me at the number listed above.

Sincerely,

Bonnie L. O'Connor, V.P., Admin.
Southwestern Utility Management, Inc.
for
Forty Niner Water Company, LLC

Enclosure

/BOC

Tariff Schedule

Utility: Forty Niner Water Company Tariff Sheet No.: 1 of 2
Docket No.: W-01777A-01-0315 Decision No. 63659
Phone No.: 520-623-5172 Effective: 5/4/01

CURTAILMENT PLAN FOR FORTY NINER WATER COMPANY

The Company is authorized to curtail water service, to all customers, residential and commercial, within its certificated area under the following terms and conditions:

Stage 1 Exists When:

- a. The Company is able to maintain water storage in the system at 100 % of capacity and there are no known problems with its well production or water storage in the system.

Restrictions: Under Stage 1, the Company is deemed to be operating normally and no curtailment is necessary.

Notice Requirements: Under Stage 1, no notice is necessary.

Stage 2 Exists When:

- a. The Company's total storage and well production has been less than 80 % of capacity for at least 48 consecutive hours, and
- b. The Company has identified issues such as steadily declining water table, an increased draw-down threatening pump operations, poor water production creating a reasonable belief the Company will be unable to meet anticipated water demands in the system.

Restrictions: Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 %. Outside watering should be limited to essential water, dividing outside watering on some uniform basis (such as even and odd days) and eliminating outside watering on weekends and holidays.

Notice Requirements: Under Stage 2, the Company is required to notify customers by delivering written notice door to door at each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

Stage 3 Exists When:

- a. The Company's total storage and well production has been less than 50 % for at least 24 consecutive hours.
The Company has identified issues such as a steadily declining water table, and increased draw down threatening pump operations creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis. The Company must rely on an emergency connection with the City of Tucson to augment the minimum needs of the customers.

Tariff Schedule (continued)

Utility: Forty Niner Water Company
Docket No.: W-01777A-01-0315
Phone No.: 520-623-5172

Tariff Sheet No.: 2 of 2
Decision No. 63659
Effective: 5/4/01

Restrictions: Under Stage 3, the Company shall request the customers to voluntarily employ water conservation measures to reduce daily consumption by approximately 50 %. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed wherever possible.

Notice Requirements: a. The Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

b. Beginning with Stage 3, the Company shall post at least two signs showing curtailment stage. Signs shall be posted at the well site and at the entrance to the major subdivision served by the Company.

c. The Company shall notify the Consumer Services Unit of the Utilities Division of the Commission at least 12 hours prior to entering Stage 3.

Stage 4 Exists When:

- a. The Company's total storage has been less than 25 % for at least 12 consecutive hours. The Company has identified issues such as a steadily declining water table, and increased draw down threatening pump operations creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis. The Company must rely on an emergency connection with the City of Tucson to augment the minimum needs of the customers.

Restrictions: Under Stage 4, the Company shall inform the customers of a mandatory restriction to employ water conservation measures to reduce daily consumption. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed wherever possible. Failure to comply will result in temporary disconnection.

Notice Requirements: a. The Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.

b. The Company shall have posted at least two signs showing curtailment stage. Signs shall be posted at the well site and at the entrance to the major subdivision served by the Company.

c. The Company shall notify the Consumer Services Unit of the Utilities Division of the Commission at least 12 hours prior to entering Stage 4.

d. Customers who fail to comply with cessation of outdoor use provisions will be given a written notice to end all outside use. Failure to comply within two (2) working days of receipt of the notice will result in temporary loss of service until an agreement can be made to end unauthorized use of outside water. To restore service, the customer shall be required to pay all authorized reconnection fees.