

Decision folder



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BEFORE THE ARIZONA CORPORATION COMMISSION **DOCKETED**

1  
2 WILLIAM A. MUNDELL  
3 CHAIRMAN  
4 JIM IRVIN  
5 COMMISSIONER  
6 MARC SPITZER  
7 COMMISSIONER

OCT 04 2001

DOCKETED BY	<i>me</i>
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8 IN THE MATTER OF THE APPLICATION OF  
9 SADDLEBROOKE UTILITY COMPANY FOR AN  
10 FOR AN EXTENSION OF ITS CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY

DOCKET NO. SW-02849A-01-0401

12 DECISION NO. 64092

**OPINION AND ORDER**

13  
14 DATE OF HEARING: August 1, 2001  
15 PLACE OF HEARING: Phoenix, Arizona  
16 ADMINISTRATIVE LAW JUDGE: Mr. Stephen Gibelli  
17 APPEARANCES: Mr. James Poulos, General Manager, on behalf of  
18 SaddleBrooke Utility Company;  
19 Ms. Teena Wolfe, Staff Attorney, Legal Division, on  
20 behalf of the Utilities Division of the Arizona  
21 Corporation Commission.

22 **BY THE COMMISSION:**

23 On May 10, 2001, SaddleBrooke Utility Company ("SaddleBrooke" or "Applicant") filed  
24 with the Arizona Corporation Commission ("Commission") an application for approval to extend its  
25 Certificate of Convenience and Necessity ("Certificate") to provide wastewater service for property  
26 in Pinal County, Arizona.

27 On May 23, 2001, Commission Staff filed a sufficiency letter indicating that SaddleBrooke's  
28 application had met the sufficiency requirements per Commission rules.

On June 7, 2001, a Procedural Order was issued setting the matter for hearing on August 1,  
2001.

On June 7, 2001, SaddleBrooke filed an Affidavit of Mailing to indicate that all of its  
customers were notified of the proposed extension.

On June 20, 2001, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in  
this matter.

1 On August 1, 2001, a full public hearing was convened before a duly authorized  
2 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion  
3 of the hearing, the matter was taken under advisement pending submission of a recommended  
4 Opinion and Order to the Commission.

5 Having considered the entire record herein and being fully advised in the premises, the  
6 Commission finds, concludes and orders that:

7 **FINDINGS OF FACT**

8 1. SaddleBrooke is an Arizona corporation that provides wastewater utility service to  
9 approximately 3,000 customers in the master planned community of SaddleBrooke, approximately 25  
10 miles north of Tucson, Arizona. SaddleBrooke also serves about 1,500 customers in its Catalina  
11 system.

12 2. On May 10, 2001, SaddleBrooke filed an application for an extension of its existing  
13 Certificate to provide wastewater service to approximately 300 acres of property, which is more  
14 accurately described in Exhibits A and B.

15 3. The area for which SaddleBrooke is requesting a Certificate is expected to serve  
16 approximately 770 residential units in SaddleBrooke.

17 4. On June 7, 2001, SaddleBrooke filed an Affidavit of Publication and certification that  
18 it had provided notice of the application and hearing thereon pursuant to the terms of the Procedural  
19 Order.

20 5. On June 20, 2001, Staff filed its Staff Report in this matter recommending approval of  
21 the application. The Staff Report recommends approval of the application subject to the condition  
22 that:

- 23 a). SaddleBrooke charge its existing rates and charges in the proposed  
24 extension area;
- 25 b). SaddleBrooke file copies of its Arizona Department of Environmental  
26 Quality ("ADEQ") Approvals to Construct for facilities within the  
27 extension area for the subject facilities, and,
- 28 c). SaddleBrooke file a copy of the associated City and County franchise  
agreements within 365 days of the effective date of the Decision in this  
matter.



ORDER

IT IS THEREFORE ORDERED that the application of SaddleBrooke Utility Company for an extension of its Certificate of Convenience and Necessity to include the area described in Exhibits A and B attached hereto and incorporated herein by reference be, is hereby granted.

IT IS FURTHER ORDERED that SaddleBrooke Utility Company shall charge its existing rates and charges in the extension area until further Order of the Commission.

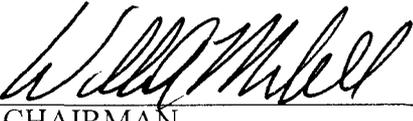
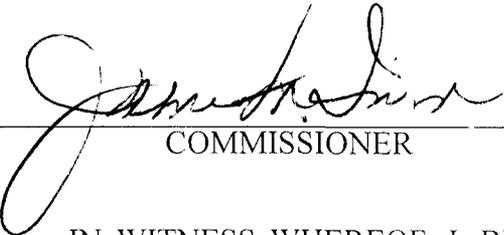
IT IS FURTHER ORDERED that SaddleBrooke Utility Company shall file its ADEQ Certificates of "Approval to Construct" within 365 days of the effective date of this Decision.

IT IS FURTHER ORDERED that SaddleBrooke Utility Company shall file a copy of its City and County franchises within 365 days of the effective date of this Decision.

IT IS FURTHER ORDERED that in the event SaddleBrooke Utility Company fails to meet the above conditions within the time specified, then such area for which it has applied for an extension of its Certificate of Convenience and Necessity shall be deemed to be denied, without further Order of the Arizona Corporation Commission.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN	 COMMISSIONER	 COMMISSIONER
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IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 4th day of October 2001.

  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
SG:mj

1 SERVICE LIST FOR:

SADDLEBROOKE UTILITY COMPANY

2 DOCKET NO.:

SW-02849A-01-0401

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4 Jim Poulos, General Manager  
SaddleBrooke Utility Company  
9532 East Riggs Road  
5 Sun Lakes, Arizona 85248

6 Christopher Kempley, Chief Counsel  
Teena Wolfe  
7 Legal Division  
ARIZONA CORPORATION COMMISSION  
8 1200 West Washington Street  
Phoenix, Arizona 85007

9  
10 Steve Olea, Acting Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
11 1200 West Washington Street  
Phoenix, Arizona 85007

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EXHIBIT A

LEGAL DESCRIPTION

SADDLEBROOKE PHASE 3  
ADDITIONAL STATE LAND (296.29 ACRES)

November 22, 2000

Those parcels of land in Sections 33 and 34, Township 10 South, Range 14 East, Gila & Salt River Base & Meridian, in an unincorporated area of the County of Pinal, State of Arizona, described as follows:

PARCEL 1

A parcel of land in the Southwest quarter of said Section 34, described as follows:

BEGINNING at the Northwest corner of said Southwest quarter;

THENCE Easterly along the Northerly line of said Southwest quarter South 89°08'17", East a distance of 681.01 feet to the Westerly line of land described in State of Arizona Commercial Lease Permit No. 03-98637

THENCE Southerly along said Westerly line and the Southerly prolongation thereof South 01°03'27" West a distance of 2,653.78 feet to South line of Section 34;

THENCE Westerly along the Southerly line of said Southwest quarter North 88°21'55" West a distance of 680.12 feet to the Westerly line of said Southwest quarter;

THENCE Northerly along said Westerly line of the Southwest quarter North 01°02'15" East a distance of 2,644.60 feet to the Point of Beginning.

PARCEL 2

A parcel of land in the Southeast quarter of said Section 33, described as follows:

BEGINNING at the Northeast corner of said Southeast quarter;

THENCE Southerly along the Easterly line of said Southeast quarter South 01°02'15" West a distance of 2,644.60 feet to the South line of said Section 33;

THENCE along the Southerly line of said Southeast quarter North 89°41'37" West a distance of 2,668.97 feet to the Southwest corner of said Southeast quarter;

THENCE Northerly along said Westerly line North 01°15'42" East a distance of 2,655.86 feet to the Northwest corner of said Southeast quarter;

THENCE Easterly along the Northerly line of said Southeast quarter South 89°27'15" East a distance of 2,658.46 feet to the Point of Beginning.

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LEGAL DESCRIPTION

SADDLEBROOKE PHASE 3  
ADDITIONAL STATE LAND (296.29 ACRES) (Cont.)

November 22, 2000

PARCEL 3

A parcel of land in the West half of said Section 33, described as follows:

BEGINNING at the Center of said Section 33;

THENCE Southerly along the Easterly line of said West half South 01°15'42" West a distance of 2,655.86 feet to South line of Section 33;

THENCE Westerly along the Southerly line of said West half North 89°30'16" West a distance of 1,992.67 feet;

THENCE Northeasterly along the following courses, being the approximate center of the Twenty-Seven Wash;

North 52°02'38" East a distance of 422.02 feet;

North 19°34'32" East a distance of 713.30 feet;

North 07°14'43" West a distance of 374.16 feet;

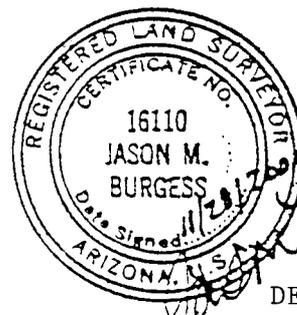
North 27°35'26" East a distance of 693.86 feet;

North 25°02'25" East a distance of 804.03 feet;

North 44°33'25" East a distance of 1,261.13 feet to said Easterly line of the West half;

THENCE Southerly along said Easterly line South 01°15'42" West a distance of 907.08 feet to the Point of Beginning.

All of the above-described Additional State Land parcels combined contain 296.29 acres, more or less.

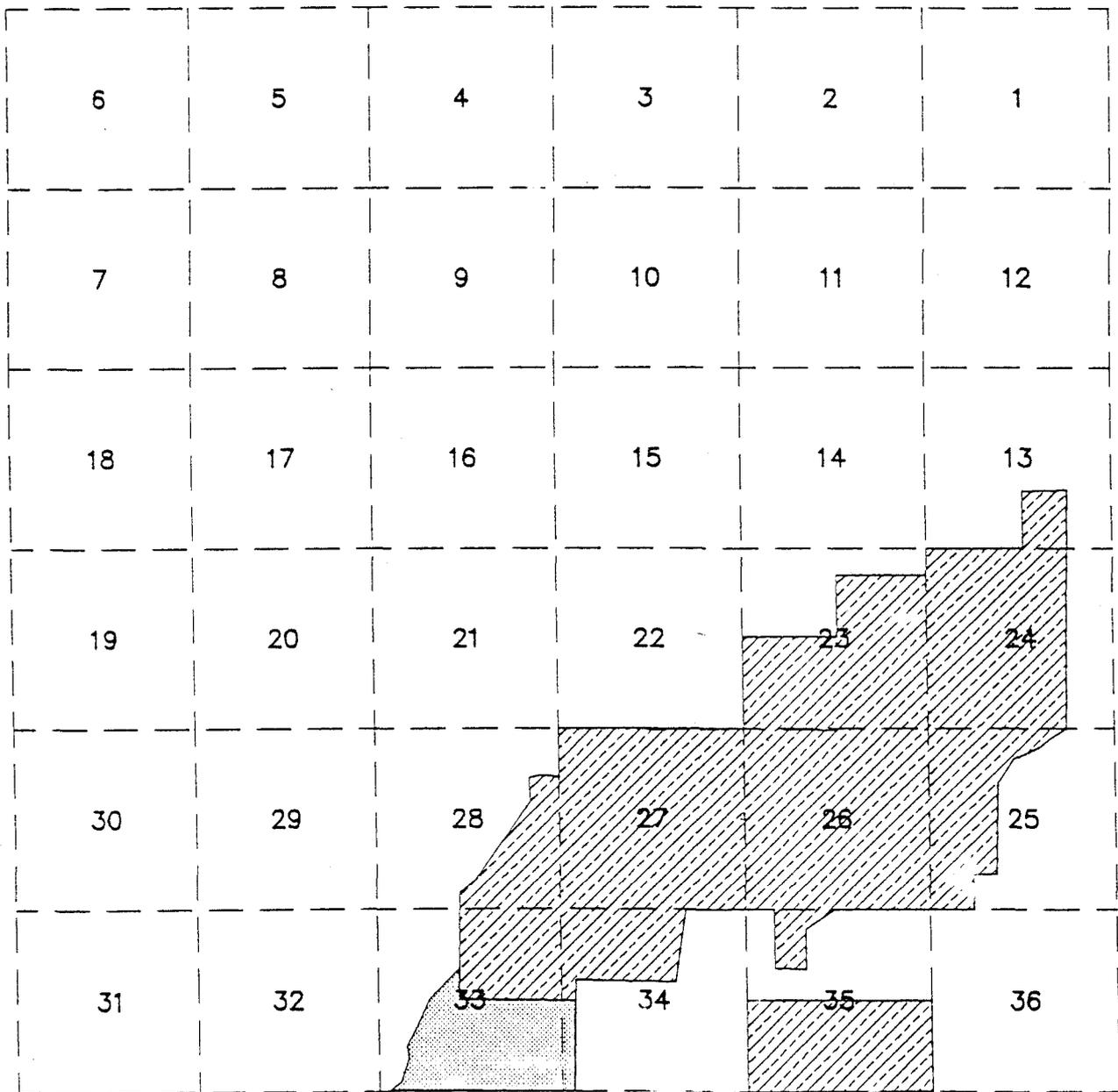


*Jason M. Burgess*  
DECISION NO. 64092

EXHIBIT B

# SADDLEBROOKE UTILITY COMPANY SEWER CC&N MAP

COUNTY: PINAL  
RANGE 14 EAST



EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY



PROPOSED AREA

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