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BEFORE THE ARIZONA CORPORATION COMMISSION

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WILLIAM A. MUNDELL  
Chairman

Arizona Corporation Commission

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED

JIM IRVIN  
Commissioner

FEB 22 2002

MARC SPITZER  
Commissioner

DOCKETED BY [Signature]

APPLICATION OF ARIZONA UTILITY  
SUPPLY & SERVICES, LLC, FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER SERVICE  
TO PORTIONS OF PINAL COUNTY,  
ARIZONA.

DOCKET SW-04002A-01-0228

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, L.L.C., DBA JOHNSON  
UTILITIES COMPANY, FOR AN EXTENSION  
OF ITS CERTIFICATE OF CONVENIENCE  
AND NECESSITY TO PROVIDE WATER AND  
WASTEWATER SERVICE TO THE PUBLIC  
IN THE DESCRIBED AREA IN PINAL  
COUNTY, ARIZONA.

DOCKET WS-02987A-01-0295

REQUEST FOR EXTENSION OF  
TIME TO COMPLY WITH RE-  
QUIREMENTS OF DECISION  
NO. 64288

(EXPEDITED ACTION  
REQUESTED)

On December 28, 2001, the Arizona Corporation Commission issued Decision No. 64288 granting a certificate of convenience and necessity to Arizona Utility Supply & Services, LLC ("AZUSS") to provide sewer service in Pinal County, Arizona. In that Decision, AZUSS was required to satisfy certain conditions set forth in Findings of Fact ("FOF") Nos. 77, 78, 82 and 83. AZUSS has complied with certain of those conditions, but requests a limited extension to comply with other of the conditions. A brief review of AZUSS' compliance with these various conditions is set forth below.

Snell & Wilmer  
LLP  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
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1            Finding of Fact No. 77. On January 24, 2002, AZUSS filed copies of its Pinal County  
2 sewer franchises with Docket Control in compliance with one of the conditions contained in FOF  
3 77.<sup>1</sup> On February 22, 2002, AZUSS submitted copies of a February 15, 2002 letter from Michael  
4 J. Traubert of the Arizona Department of Environmental Quality (Compliance Section, Water  
5 Quality Division) to Maurice Lee of AZUSS evidencing that AZUSS has satisfied another of the  
6 conditions contained in FOF 77 regarding approval under Section 208 of the federal Clean Water  
7 Act. Thus, AZUSS has complied with two of the conditions in FOF 77, and the remaining three  
8 conditions in FOF 77 have compliance deadlines ranging from one to five years in the future.

9  
10            Finding of Fact No. 78. In its January 24, 2002 filing to the Commission, AZUSS  
11 submitted copies of its sewer tariff in full compliance with FOF 78. AZUSS is awaiting  
12 confirmation from the Commission's Utilities Division Staff that the tariff is acceptable in the  
13 form submitted.

14  
15            Finding of Fact No. 82. In its February 22, 2002 filing to the Commission, AZUSS  
16 submitted copies of its check no. 11041 in the amount of \$183,467.00 made payable to Madison  
17 Diversified, which refunds all amounts previously received from Madison by AZUSS. This  
18 refund by AZUSS fully satisfies the condition contained in FOF 82.

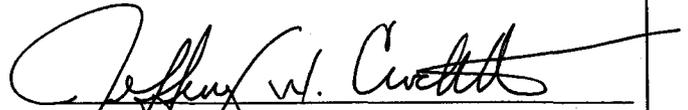
19            Finding of Fact No. 83. Pursuant to FOF 83, AZUSS is required to file documentation  
20 which establishes that it has acquired all of the Ocotillo Links wastewater treatment system assets  
21 from the Ocotillo Homeowners' Association (or related parties) (collectively, the "Association")  
22 within 60 days of the date of Decision No. 64288, or February 26, 2002. Further, AZUSS is  
23

24  
25            <sup>1</sup>The original franchise was issued March 21, 2001, and recorded with the Pinal County Recorder  
26 as No. 2001-016379. The franchise was subsequently amended on May 9, 2001, and recorded with  
the Pinal County Recorder as No. 2001-021507.

1 required to file the same information for the Cambria wastewater treatment system assets once  
2 those assets have been acquired from the current owner, Woodside Homes. On February 22,  
3 2002, AZUSS filed with the Commission copies of a Bill of Sale dated February 21, 2002  
4 evidencing the transfer of the Ocotillo Links wastewater treatment system assets from the  
5 Association to AZUSS. However, AZUSS is still working with the Association on a lease of the  
6 land upon which the Ocotillo Links wastewater treatment system is located, as well as necessary  
7 utility easements across portions of other lands owned by the Association. Thus, AZUSS  
8 requests and extension of 90 days to complete the land lease and easement agreement with the  
9 Association. In addition, AZUSS has not had sufficient time to complete negotiations with  
10 Woodside Homes regarding the transfer of the Cambria wastewater treatment system assets and  
11 real property to AZUSS. Thus, AZUSS hereby requests an extension of 90 days to complete the  
12 acquisition of the Cambria assets and real property.  
13  
14

15 RESPECTFULLY submitted this 22nd day of February, 2002.

16 SNELL & WILMER

17 

18 Jeffrey W. Crockett, Esq.  
19 Thomas L. Mumaw, Esq.  
20 One Arizona Center  
21 Phoenix, Arizona 85004-2202  
22 Attorney for Arizona Utility Supply &  
23 Services, LLC  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of February, 2002, I caused the original and 10 copies of the foregoing document to be filed with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Copies of the foregoing were hand-delivered this 22nd day of February, 2002, to:

Marc E. Stern  
Administrative Law Judge  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
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ARIZONA CORPORATION COMMISSION  
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A copy of the foregoing was mailed this 22nd day of February, 2002, to:

Thomas H. Campbell, Esq.  
Michael Denby, Esq.  
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40 North Central Avenue  
Phoenix, Arizona 85004  
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