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GLEASON PROPOSED AMENDMENT #1

DATE PREPARED: January 24, 2006

COMPANIES:

Woodruff Water Company, Inc.
Woodruff Utility Company, Inc.
Arizona Water Company

DOCKET NOS:

W-04264A-04-0438
SW-04264A-04-0439
W-01445A-04-0755

OPEN MEETING DATES: January 24 and 25, 2006

AGENDA ITEM: U-18

Page 28

STRIKE lines 19 through 28

Page 29

STRIKE lines 1 through 8 (STRIKE Finding of Fact no. 129)

INSERT a new Finding of Fact No. 129 to read:

"129. Following a thorough review of the record, we find that the competing applications of WWC and AWC have approximately equal merit. However, we conclude that it is in the public interest to limit AWC's CC&N expansion to include only the Martin Ranch development area as described in Exhibit C and to grant WWC's application for a CC&N for the Sandia area as described in Exhibit A. We arrive at this conclusion in view of the following:

1. AWC cites Decision No. 62993 to argue that it would not be in the public interest to grant a CC&N to WWC under a recommended policy change, but Decision No. 62933 did not approve the policy change to which AWC refers (Finding of Fact 8a, Decision 62933).
2. Neither Sandia nor CHC has requested that their properties be included the CC&N extension that AWC seeks for is Coolidge system.
3. Pivotal has ample capital to invest in the operation of WWC and WUC.
4. The benefits of developing and operating integrated water and wastewater utilities in this instance outweigh the economies imputed to AWC's larger scale.
5. The Sandia development will be large enough for economic viability as a stand-alone system."

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STRIKE lines 9 through 11 (Finding of Fact No. 130)
Re-number to conform

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STRIKE lines 6 and 7 (Conclusion of Law No. 1)
INSERT a new Conclusion of Law No. 1 to read:

“1. On beginning operations, WWC and WUC will be public service corporations within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.”

STRIKE lines 14 through 16 (Conclusion of Law No. 5)
INSERT a new Conclusion of Law No. 5 to read:

“5. The public convenience and necessity require the issuance of an extension of AWC’s Certificate authorizing it to provide water service to the public in the area sought to be certificated in Exhibit C attached hereto and incorporated by reference.”

After line 16 INSERT a new Conclusion of Law to read:

“The public convenience and necessity require the issuance of a Certificate to WWC authorizing it to provide water service to the public in the area described in Exhibit A.”

Re-number to conform

STRIKE line 20

INSERT: “Certificate which encompasses the area more fully described in Exhibit C.

After line 20 INSERT a new Conclusion of Law to read:

“WCC is a fit and proper entity to provide water service to the public and to receive a Certificate which encompasses the areas more fully described in Exhibit A.”

STRIKE lines 23 and 24 (Conclusion of Law No. 9)
INSERT a new Conclusion of Law to read:

“WCC’s application for a Certificate to provide water service to Sandia should be approved subject to Staff’s recommendations and the Company’s compliance with the conditions set forth in Finding of Fact No. 122 or the Certificate authorized hereinafter should be null and void.”

Re-number to conform

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Line 1, after "hereinafter for" INSERT "WCC and"

STRIKE lines 2 through 5 (Conclusion of Law No. 12)
INSERT a new Conclusion of Law to read:

"AWC's application for extension of its Certificate to provide water service to Martin Ranch should be approved subject to Staff's recommendations and AWC's compliance with the conditions set forth in Finding of Fact No. 126 or the extension authorized herein should be null and void."

Line 14 STRIKE "denied" INSERT "approved"

Line 15 after "IT IS FURTHER ORDERED that" INSERT "Woodruff Water Company, Inc. and"

After line 26 INSERT a new ordering paragraph to read:

"IT IS FURTHER ORDERED that Woodruff Water Company, Inc. shall comply in all respects with Finding of Fact No. 122 and Conclusion of Law No. 12."

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Before line 1 INSERT:

"IT IS FURTHER ORDERED that the Certificate of Convenience and Necessity granted to Woodruff Water Company, Inc. for the areas described in Exhibit A shall be deemed null and void if Woodruff Water Company, Inc. does not timely comply with condition numbers three, four, six, seven and eight or file copies of the required documentation as set forth in Finding of Fact No 122 above.

IT IS FURTHER ORDERED that Woodruff Water Company, Inc. shall annually file, as part of its annual report, an affidavit with the Utilities Division attesting that the Company is current in paying its property taxes in Arizona."

STRIKE lines 8 through 13
INSERT:

"IT IS FURTHER ORDERED that the application of Arizona Water Company for an extension of its Certificate of Convenience and Necessity for the operation of a public water utility in the areas more fully described in Exhibit A is hereby denied.

IT IS FURTHER ORDERED that the application of Arizona Water Company for an extension of its Certificate of Convenience and Necessity

for the operation of a public water utility in the areas more fully described in Exhibit C is hereby approved.”

STRIKE line 18 INSERT “with Finding of Fact No. 126 and Conclusion of Law No. 15 above.”

STRIKE lines 19 through 26
INSERT:

“IT IS FURTHER ORDERED that if Arizona Water Company does not timely comply with conditions two, three and four or file copies of the required documentation as described in Finding of Fact No. 126 for the area described in Exhibit A, the extension of its Certificate of Convenience and Necessity for the operation of a public water utility in that area shall be deemed null and void.”

Make all conforming changes