

ORIGINAL



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1 FENNEMORE CRAIG, P.C. 2006 FEB 15 P 2:40  
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 4 Telephone (602) 916-5000

AZ CORP COMMISSION  
DOCUMENT CONTROL

5 Attorneys for Balterra Sewer Corp.

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7  
 8 IN THE MATTER OF THE APPLICATION  
 OF BALTERRA SEWER CORPORATION  
 9 FOR A CERTIFICATE OF CONVENIENCE  
 AND NECESSITY TO PROVIDE  
 10 WASTEWATER SERVICE IN MARICOPA  
 COUNTY, ARIZONA.

DOCKET NO. SW-20403A-05-0586

**CERTIFICATION OF PUBLICATION  
AND PROOF OF MAILING**

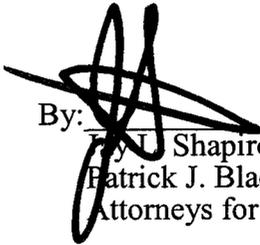
11  
 12 Pursuant to the January 26, 2006 Procedural Order, Balterra Sewer Corporation  
 13 ("Balterra"), an Arizona Corporation, hereby submits this Certification of Publication and Proof  
 14 of Mailing in the above-captioned matter.

15 On February 7, 2006, legal public notice was published in the *West Valley View* and *West*  
 16 *Valley View Business*. The affidavit of Elliot Freireich, Publisher of the *West Valley View* and  
 17 *West Valley View Business*, is attached hereto as Exhibit 1.

18 On February 8, 2006, Balterra served notice to the property owners within the requested  
 19 extension area. A copy of the certified mail receipts is attached hereto as Exhibit 2.

20 DATED this 15<sup>th</sup> day of February, 2006.

FENNEMORE CRAIG, P.C.

21  
 22  
 23 By:   
 Jay L. Shapiro  
 Patrick J. Black  
 Attorneys for Balterra Sewer Corp.

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ORIGINAL and 13 copies filed  
this 15<sup>th</sup> day of February, 2006:

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

COPIES of the foregoing hand-delivered  
this 15<sup>th</sup> day of February, 2006 to:

Amy Bjelland, ALJ  
Hearing Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Keith Layton  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona

Linda Jaress  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

By: Whitney Birk

1762603.1

# **EXHIBIT**

**1**

# WEST VALLEY BUSINESS

West Valley View, Inc., 200 W. Wigwam Blvd., Litchfield Park, Az. 85340-4636 ♦ (623) 535-8439

## AFFIDAVIT OF PUBLICATION

State of Arizona

County of Maricopa

I, Elliott Freireich, publisher of West Valley View and West Valley Business, newspapers of general circulation in Avondale, Buckeye, Goodyear, Litchfield Park and Tolleson, Arizona, attest that the legal advertisements for

Balterra Sewer Corporation  
Public Notice - Hearing for a Certificate  
of Convenience and necessity to provide  
waste water service (SW-20403A-05-0586).

will be/has been published on February 7, 2006.

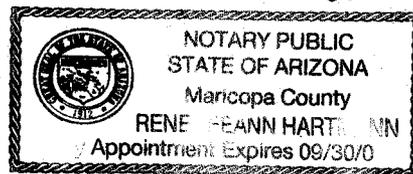
Elliott Freireich  
Elliott Freireich, President, West Valley View, Inc.

February 7, 2006.  
Date

SUBSCRIBED AND SWORN TO BEFORE ME ON THE

7 DAY OF February Month, 2006 (YEAR)

NOTARY SIGNATURE: Rene Seann Hartman



## Public Notice

**PUBLIC NOTICE OF HEARING  
ON THE  
APPLICATION OF BALTERRA  
SEWER CORPORATION  
FOR A CERTIFICATE  
OF CONVENIENCE AND  
NECESSITY TO PROVIDE  
WASTEWATER SERVICE  
(SW-20403A-05-0586)**

On August 12, 2005, Balterra Sewer Corporation filed an Application with the Arizona Corporation Commission ("Commission") for a Certificate of Convenience and Necessity in the vicinity of 411<sup>th</sup> Avenue and Camelback Road in Maricopa County, Arizona. If the Application is granted, Balterra would be the exclusive provider of wastewater to this area, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The Application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of Balterra Sewer Corporation, 6720 North Scottsdale Road, Suite 250, Scottsdale, Arizona, and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on this matter beginning on April 10, 2006, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to the Applicants or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicants, a shareholder of the Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before March 10, 2006. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not,

however, receive any further notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail [Lhogan@azcc.gov](mailto:Lhogan@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

Published in the West Valley View, and the West Valley Business, on February 7, 2006.

# **EXHIBIT**

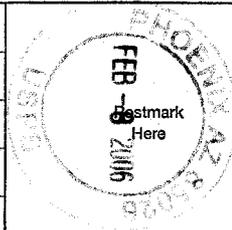
**2**

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0000 4009 2741

OFFICIAL USE

JPM Postage	\$	39
Certified Fee		2.40
Return Receipt Fee (Endorsement Required)		1.85
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>4.64</b>



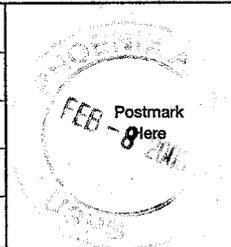
Sent To  
 Keith Watkins, JF Properties Inc.  
 Street, Apt. No.;  
 or PO Box No. 6720 N Scottsdale Rd #250  
 City, State, ZIP+4  
 Scottsdale, AZ, 85253  
 PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0000 4009 2758

OFFICIAL USE

JPM Postage	\$	.39
Certified Fee		2.40
Return Receipt Fee (Endorsement Required)		1.85
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>4.64</b>



Sent To Ms. Roxanne G. Morris, Superintendent  
 Saddle Mountain Unified School District  
 Street, Apt. No.;  
 or PO Box No. 38201 W Indian School Rd.  
 City, State, ZIP+4  
 Tonopah, AZ, 85354  
 PS Form 3800, January 2001 See Reverse for Instructions