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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

JEFF HATCH-MILLER Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

MAY 05 2006

DOCKETED BY *AM*

IN THE MATTER OF THE CANCELLATION OF
THE CERTIFICATE OF CONVENIENCE AND
NECESSITY OF CLEMENCEAU WATER
COMPANY.

DOCKET NO. W-01278A-06-0167

DECISION NO. 68695

ORDER

Open Meeting
May 2 and 3, 2006
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On December 9, 2005, the Arizona Corporation Commission ("Commission") issued Decision No. 68334 which granted the application of Cottonwood Water Works, Inc. ("Cottonwood") for the approval of the transfer of assets to the City of Cottonwood and the Town of Clarkdale ("Cities") and for the cancellation of its Certificate of Convenience and Necessity ("Certificate"). In the course of making the determination in the matter, it came to the Commission's attention that the City of Cottonwood had previously acquired Clemenceau Water Company ("Clemenceau") and that Clemenceau was no longer providing water service in its certificated area and that there had not been a Decision to cancel Clemenceau's Certificate.

2. On March 1, 2006, the Commission's Utilities Division ("Staff") filed a memorandum, attached hereto as Exhibit A, in Docket No. W-01045A-05-0578, stating that the City of Cottonwood took sole use, possession and ownership of all plant, system and business of

1 Clemenceau on October 12, 2004, and therefore the Certificate for Clemenceau no longer existed.

2 3. On March 14, 2006, the Hearing Division of the Commission filed a memorandum
3 requesting the opening of this docket regarding the administrative closure of Clemenceau's
4 Certificate.

5 **CONCLUSIONS OF LAW**

6 1. Clemenceau is a public service corporation within the meaning of Article XV of the
7 Arizona Constitution and A.R.S. §40-281 *et seq.*

8 2. The Commission has jurisdiction over Clemenceau and the subject matter of the
9 docket.

10 3. Cancellation of Clemenceau's CC&N is in the public interest.

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ORDER

IT IS THEREFORE ORDERED that this docket shall be, and hereby is, administratively closed and the Certificate of Convenience and Necessity for Clemenceau Water Company is hereby cancelled.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

Jeffrey M. Hatch-Miller *William M. ...*
CHAIRMAN COMMISSIONER

[Signature] *Laura ...* *[Signature]*
COMMISSIONER COMMISSIONER COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director 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 5th day of May, 2006.

[Signature]
BRIAN C. McNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

AB:mj

1 SERVICE LIST FOR: CLEMENCEAU WATER COMPANY

2 DOCKET NO.: W-01278A-06-0167

3 Robert V. Kerrick
4 GALLAGHER & KENNEDY
5 2575 East Camelback Road
6 Phoenix, AZ 85016

7 Steven B. Horton
8 MANGUM, WALL, STOOPS & WARDEN
9 100 N. Elden Street
10 P.O. Box 10
11 Flagstaff, AZ 86002

12 James N. Bradley
13 1785 West Highway 89A, Ste. 2-I
14 P.O. Box 220
15 Sedona, AZ 86339

16 Christopher Kempley, Chief Counsel
17 Legal Division
18 ARIZONA CORPORATION COMMISSION
19 1200 West Washington Street
20 Phoenix, AZ 85007

21 Ernest G. Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington
25 Phoenix, AZ 85007

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27
28