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AZ CORP COMMISSION
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Arizona Corporation Commission
DOCKETED

JUL 24 2006

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED BY

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6 IN THE MATTER OF THE APPLICATION)
7 OF UTILITY SOURCE, LLC., FOR AN)
EXTENSION OF ITS CERTIFICATE OF)
8 CONVENIENCE AND NECESSITY TO)
PROVIDE WATER AND WASTEWATER)
9 SERVICE TO COCONINO COUNTY,)
ARIZONA.)

Docket No. WS-04235A-05-0707

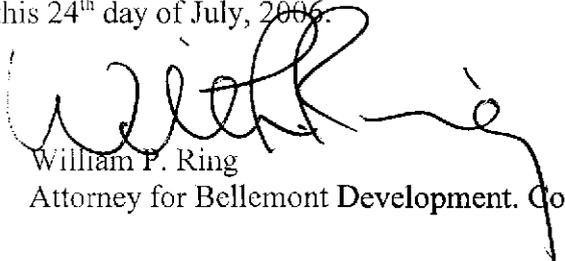
**INTERVENOR BELLEMONT
DEVELOPMENT CO.'S
RECOMMENDED CONDITION
OF APPROVAL**

12 Your Applicant, Bellemont Development Co., files this recommended condition of
13 approval with the Arizona Corporation Commission. Bellemont asks that this condition be
14 imposed as a matter of approving the Applicant's request for an extension of its certificate of
15 convenience and necessity.

16 On April 5, 2006, Bellemont Development Co., filed a motion to intervene on the basis
17 that the Applicant's expansion of its waste water service area would lead to material, substantial,
18 and detrimental effects to property belonging to Bellemont. The evidence strongly suggests that
19 the manner in which the waste water plant is operated produces discharges of effluent that pond
20 on Bellemont's property. Bellemont contends that the discharges are a common law nuisance and
21 a trespass. As such, Bellemont takes the position that Utility Source, LLC., is not a fit and proper
22 operator of its facility and its request to expand services should be denied.

1 Bellemont is agreeable to an approval of Utility Source, LLC.'s request for expansion of
2 its certificate subject to a condition that Utility Source, LLC., meet with Bellemont Development
3 Co., its successors and assigns, to negotiate a solution to the flow of effluent across Bellemont
4 Development Co.'s property. The first such meeting shall take place no sooner than forty-five
5 (45) days from approval of the order granting expansion, and any solution agreed to by the
6 parties must be completed no later than December 31, 2006. At a minimum the solution arrived
7 at shall require that the effluent discharged from the Utility Source plant shall not pond, stall or
8 otherwise linger on Bellemont Development Co.'s property, but rather, shall have a positive flow
9 throughout the course of Bellemont property. The ACC should retain continuing jurisdiction over
10 resolution of this matter and the operation of the plant.

11 RESPECTFULLY SUBMITTED, this 24th day of July, 2006.

12 
13 William P. Ring
14 Attorney for Bellemont Development. Co

15 ORIGINAL AND 3 COPIES
16 of the foregoing delivered
17 this 24th day of July, 2006, to:

18 Arizona Corporation Commission
19 Docket Control
20 1200 West Washington Street, Room 108
21 Phoenix, Arizona 85007

22 True and Accurate Copies
23 of the foregoing delivered
24 this 24th day of July, 2006, to:

Richard Salquist
Sallquist, Drummond & O'Connor
4500 S. Lakeshore Drive, Suite 339
Tempe, Arizona 85282