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EXCEPTION

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 8 Attorneys for Seven Canyons Water Company

DOCKETED BY	<i>CR</i>
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BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF THE APPLICATION OF
 10 SEVEN CANYONS WATER COMPANY FOR
 11 AN EXTENSION OF ITS CERTIFICATE OF
 12 CONVENIENCE AND NECESSITY TO
 13 PROVIDE WATER SERVICE

Docket No. W-03388A-03-0150

14 IN THE MATTER OF THE APPLICATION OF
 15 SEVEN CANYONS WATER TREATMENT
 16 COMPANY FOR AN EXTENSION OF ITS
 17 CERTIFICATE OF CONVENIENCE AND
 18 NECESSITY TO PROVIDE SEWER SERVICE

Docket No. SW-03389A-03-0150

**EXCEPTIONS TO RECOMMENDED
OPINION AND ORDER**

19 Seven Canyons Water Company and Seven Canyons Water Treatment Company (“Seven
 20 Canyons” or “Company”) hereby files its Exceptions to the recommended form of opinion and
 21 order (“Recommended Order”) filed by the Administrative Law Judge in the above-entitled
 22 application.

23 Seven Canyons agrees with the findings and recommendations contained in the
 24 Recommended Order, and wholly supports the conclusions contained therein. The
 25 Recommended Order adopts the Commission Staff’s recommendation that Seven Canyons obtain
 26 and file a copy of a Municipal franchise for the extension area within 365 days of a Decision as a
 condition of approval. In anticipation of this compliance requirement, the Company filed an
 application with Yavapai County for an extension of its existing Municipal franchise on
 September 18, 2003. However, on September 23, 2003, Seven Canyons received notice from the
 Yavapai County Public Works Department (“County”) that a franchise is no longer necessary

1 because no County rights of way currently exist within the development. A copy of the County
2 letter is attached hereto as Exhibit 1.

3 Therefore, Seven Canyons respectfully requests that the Recommended Order be amended
4 to delete the requirement that the Company obtain and file a copy of a Municipal franchise for the
5 extension area within 365 days of the Decision in this matter. A copy of Seven Canyons'
6 proposed Amendment No. 1 is attached hereto as Exhibit 2.

7 Respectfully submitted this 25th day of September, 2003.

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By: 
Timothy Berg
Patrick J. Black
Attorneys for Seven Canyons Water Company

ORIGINAL and 15 copies hand-delivered
for filing this 25th day of September, 2003, to:

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

COPIES hand-delivered this
3rd day of September, 2003, to:

Philip Dion, III
Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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Arizona Corporation Commission
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Phoenix, Arizona 85007

Jim Fisher, Executive Consultant

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Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

By: *Cara Swender*
1465464.1/85397.017

EXHIBIT 1



OFFICE OF THE
PUBLIC WORKS DEPARTMENT

Road Division Engineering Division Solid Waste Division Emergency Management
1100 Commerce Drive
Prescott, Arizona 86305
Phone (928) 771-3183
FAX (928) 771-3167

Richard L. Straub
Director

September 23, 2003

Cavan Real Estate Investments
Attn: Allison Macaulay
8960 E. Raintree Drive, Suite 100
Scottsdale, Arizona 85260

Re: Seven Canyons Water/Sewer Franchise Agreement

Dear Allison:

I am in receipt of your water/sewer franchise application for Seven Canyons. After discussing the area with our Right of Way Division, I have been informed that an Abandonment Plat (attached) for this service area was recorded on April 9, 2003. This abandonment plat turns over Rancho Del Oro Parkway and the roads within Sedona at Seven Canyons - Canyon Del Oro Subdivision to the homeowners association and the County no longer has jurisdiction.

Therefore, because there is no County right of way involved, a franchise with Yavapai County is no longer necessary.

I am returning to you, check #001660 and #001659 which was part of your application packet.

Please contact me if you have any questions.

Sincerely,

Laura E. Bunn
Administrative Aide

cc. Lynn Dunham, Secretary

EXHIBIT 2

THIS AMENDMENT:		
____ Passed	_____ Passed as amended by _____	
____ Failed	_____ Not Offered	_____ Withdrawn

**SEVEN CANYONS PROPOSED AMENDMENT #1 TO SEPTEMBER 16, 2003
RECOMMENDED OPINION AND ORDER**

TIME/DATE PREPARED: _____

COMPANY Seven Canyons AGENDA ITEM 13

DOCKET NO. W-03388A-03-0105
SW-03389A-03-105

OPEN MEETING DATE: September 30, 2003

Page 6, Line 7, **ADD:**

“30. On September 23, 2003, Seven Canyons received notice from the Yavapai County Public Works Department that a Municipal Franchise is not necessary for the area requested in its application.”

Page 7, Line 4, **DELETE:**

“ ”

ADD:

“, except the requirement to obtain and file a copy of a Municipal franchise within 365 days of the effective date of the Commission’s Decision.”

Page 7, Line 6, **DELETE:**

“ ”

ADD:

“, except the requirement to obtain and file a copy of a Municipal franchise within 365 days of the effective date of the Commission’s Decision.”