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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES  
BARRY WONG

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AZ CORP COMMISSION  
DOCUMENT CONTROL

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IN THE MATTER OF THE APPLICATION OF  
BEAVER DAM WATER COMPANY FOR  
DELETION OF A PORTION OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY IN MOHAVE COUNTY, ARIZONA.

DOCKET NO. W-03067A-04-0216

IN THE MATTER OF THE APPLICATION OF  
SUNRISE UTILITIES, L.L.C. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER AND  
WASTEWATER SERVICE IN MOHAVE  
COUNTY, ARIZONA.

DOCKET NO. WS-04247A-04-0604

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 23, 2004, Beaver Dam Water Company ("BDWC") filed with the Arizona Corporation Commission ("Commission") an application requesting the deletion of a small portion of its certificated service area in Mohave County, Arizona. Concurrently with BDWC's filing, Sunrise Utilities, L.L.C. ("Sunrise") filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Commission to provide public water and wastewater utility service to various parts of Mohave County, Arizona, which includes the area included in BDWC's application for deletion.

On October 25, 2005, the Commission issued Decision No. 68247 approving both applications with certain conditions, including that Sunrise be required to file a copy of the Arizona Department of Environmental Quality's ("ADEQ") Certificate of Approval to Construct ("CAC") its arsenic treatment facilities by October 31, 2005.

On November 22, 2005, Sunrise filed a request for retroactive approval for an extension of time of two years, until October 31, 2007, to file a copy of the ADEQ's CAC because additional testing is required to determine whether arsenic removal is needed. The request also stated that the

1 legal descriptions on Exhibit B attached to the Decision are mislabeled and requested that a revised  
2 legal description which was included with Sunrise's request replace the original Exhibit B.

3 On November 23, 2005, by Procedural Order, Staff was ordered to file a response by  
4 December 9, 2005.

5 On December 9, 2005, Staff filed a response to Sunrise's request for a two year extension of  
6 time for testing to determine whether arsenic removal is needed and for approval to replace Exhibit B  
7 to Decision No. 68247 with a correctly labeled Exhibit B. Staff agreed to the replacement of Exhibit  
8 B to Decision No. 68247 with the correctly labeled Exhibit B. However, Staff disagreed with the  
9 requested two year extension of time in which Sunrise was to file a copy of its CAC for arsenic  
10 facilities, if necessary, and recommended an extension of time be limited to one year from the date of  
11 the Decision (October 25, 2006) to show Staff an indication that Sunrise will fulfill a bona fide need  
12 for service.

13 On December 14, 2005, by Procedural Order, it was ordered Nunc Pro Tunc that Exhibit B to  
14 Decision No. 68247 should be replaced with the correctly labeled Exhibit B attached to the  
15 Procedural Order and Sunrise was granted a one year extension of time from the date of the Decision,  
16 until October 25, 2006, to file a copy of its ADEQ CAC for arsenic treatment facilities, if necessary,  
17 to provide water service.

18 On October 4, 2006, Sunrise filed with the Director of the Commission's Utilities Division  
19 documentary evidence that it does not require arsenic treatment facilities and a request for an  
20 additional year, until October 25, 2007, to file the following:

- 21
- 22 • a copy of the franchise from Mohave County for the certificated service  
23 area for water and wastewater;
  - 24 • a copy of the ADEQ CAC public water facilities;
  - 25 • a copy of the developers' Letter(s) of Adequate Water Supply; and
  - 26 • a copy of the Letter of Intent and/or Aquifer Protection Permit issued by ADEQ.

27 On November 7, 2006, Staff filed its response and recommends approval of Sunrise's request  
28

1 for an extension because it appears that there is a need for service.

2 Accordingly, Sunrise's request for an extension is reasonable and should be granted.

3 IT IS THEREFORE ORDERED that the request of Sunrise Utilities, L.L.C. is hereby  
4 approved for an extension of one year, until October 25, 2007, to file copies of the following: a copy  
5 of the Mohave County franchise for the certificated service area for water and wastewater; a copy of  
6 the ADEQ Certificate of Approval to Construct public water facilities; a copy of the developers'  
7 Letter(s) of Adequate Water Supply; and a copy of the Letter of Intent and/or Aquifer Protection  
8 Permit issued by ADEQ.

9 DATED this 27<sup>th</sup> day of November, 2006

10  
11   
12 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered  
this 27<sup>th</sup> day of November, 2006 to:

14 Beaver Dam Water Company  
15 P.O. Box 550  
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By:

  
Debbi Person  
Secretary to Marc Stern