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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF) DOCKET NO. W-01157A-05-0706
WEST END WATER COMPANY FOR)
EXTENSION OF EXISTING CERTIFICATE) EXCEPTION OF THE
OF CONVENIENCE AND NECESSITY) CITY OF SURPRISE
)
)
)

The City of Surprise (the "City") does not take exception to the analysis or the conclusion reached by the Administrative Law Judge in the March 23, 2007 Recommended Opinion and Order ("Order"). The decision is a well reasoned and accurate assessment of the facts and the applicable law. The Order appropriately denies West End Water Company's ("West End") Application for Extension of its Existing Certificate of Convenience and Necessity ("CC&N") because West End has not received a request for service for the expansion area. The City files this exception to clarify one finding of fact contained in the order.

I. Exception

Finding of Fact 24 explains that West End "admitted into evidence a copy of the Maricopa County franchise for the [Extension Area]." This is accurate. However, the franchise by its terms became void six months after the date the franchise was issued

because West End had not secured a CC&N for the expansion area. (Franchise at 11, attached to Applicant's Notice of Filing dated May 23, 2006.) This six month term concluded on August 1, 2006. Therefore, West End no longer holds a franchise for the requested expansion area. Under R14-2-402(2)(I), a complete CC&N application must include the "appropriate city, county and/or state agency approvals." Presently, West End's Application has not met this requirement.

II. Conclusion

The Commission should approve the recommended Order denying West End's Application. The above exception is provided solely to clarify what the City believes is an important factual omission relevant to the Commission's evaluation of West End's Application.

Dated this 2nd day of April, 2007.

OSBORN MALEDON, P.A.

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