

ORIGINAL
OPEN MEETING



0000071679

MEMORANDUM

410

TO: THE COMMISSION

FROM: Utilities Division

DATE: April 20, 2007

RE: IN THE MATTER OF THE APPLICATION OF DIABLO VILLAGE WATER COMPANY APPLICATION FOR REVIEW AND APPROVAL OF PROPOSED OFF-SITE HOOK-UP FEE TARIFF AND OFF-SITE HOOK-UP FEES (DOCKET NO. W-02309A-07-0140)

Attached is the Staff Report and Proposed Order for the Diablo Village Water Company application for review and approval of proposed off-site hook-up fee tariff. Staff recommends denial of the requested hook-up fee tariff.

Ernest G. Johnson
Director
Utilities Division

EGJ:DMH:PMC:tdp\RRM

ORIGINATORS: Dorothy M. Hains
Pedro M. Chaves

Arizona Corporation Commission
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**STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION**

**DIABLO VILLAGE WATER COMPANY
DOCKET NO. W-02309A-07-0140**

**APPLICATION FOR REVIEW AND APPROVAL
OF PROPOSED OFF-SITE HOOK-UP FEE
TARIFF AND OFF-SITE HOOK-UP FEES**

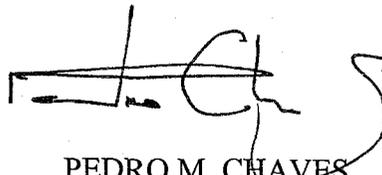
APRIL 20, 2007

STAFF ACKNOWLEDGMENT

The Staff Report for Diablo Village Water Company, Docket No. W-002309A-07-0140 is the responsibility of the Staff members listed below: Dorothy M. Hains is responsible for the review and engineering analysis, Pedro M. Chaves is responsible for the review and financial analysis of the Company's application.



DOROTHY M. HAINS
UTILITIES ENGINEER



PEDRO M. CHAVES
PUBLIC UTILITIES ANALYST

**EXECUTIVE SUMMARY
DIABLO VILLAGE WATER COMPANY
DOCKET NO. W-02309A-07-0140**

Pursuant to Decision No. 69206, Diablo Village Water Company ("Diablo Village" or "the Company"), a subchapter "S" Public Service Corporation, filed an amended application for review and approval of proposed off-site hook-up fee tariff on March 6, 2007.

The Company serves an area consisting of approximately three and one-half square miles located southwest of the City of Tucson in Pima County. The Company's water system consists of one well (Well #1) having 400 gallons per minute ("gpm") of production capacity, one 200,000 gallon storage tank and a distribution system serving approximately 870 connections. The Company also has an interconnection agreement with the City of Tucson Water that allows it to purchase up to 500 gpm of water when needed from the City.

The Company seeks approval to implement an Off-site Facilities Hook-up Fee tariff of \$640 for all new $\frac{5}{8}$ x $\frac{3}{4}$ inch service connections. The proposed hook-up fee of \$640 is based on project construction cost estimates totaling \$2,322,178 that will provide a source of water for approximately 2,700 new customers in the Company's certificated service area. The Company requests that \$1,857,742 (or 80 percent of the \$2,322,178) be funded through the use of hook-up fees.

As of December 31, 2006, the Company's capital structure is composed of 0 percent debt and negative equity. The amount of equity is negative \$142,313. In contrast, the current amount of Advances In Aid of Construction ("AIAC") is \$48,595. Therefore, AIAC funding represents over 100 percent of total capital (common equity plus short-term debt plus long-term debt), inclusive of AIAC. When including the Company proposed hook-up fees, the ratio of AIAC and Contributions In Aid of Construction ("CIAC") of total capital (inclusive of AIAC and CIAC) is 86 percent. Staff typically recommends that AIAC and/or CIAC funding not exceed 30 percent of total capital, inclusive of AIAC and CIAC for private and investor owned utilities.

Staff concludes that due to the high ratio of current AIAC to total capital and the high ratio of the proposed hook-up fee and AIAC to total capital, it would be not be appropriate for the Commission to authorize the hook-up fees in this case.

Staff further concludes that in the event that the Commission were to authorize hook-up fees in this case, the authorization should be subject to the conditions specified in the financial and engineering analysis of this report.

Staff recommends that the Commission deny the hook-up fees in this case, due to the high ratio of current AIAC to total capital and the high ratio of the proposed hook-up fee and AIAC to total capital.

Staff further recommends that in the event that the Commission decides to authorize hook-up fees, the authorization should be subject to the conditions specified in the financial and engineering analysis of this report.

Staff further recommends that in the event the Commission approves the hook-up fee tariff in this case, the Company be required to submit an annual report in July of each year, beginning July 2008, that covers the previous 12 months and contains the following information:

1. List of all persons/entities that paid the hook-up fee.
2. Amount paid by each person/entity.
3. Amount of hook-up fee monies spent.
4. List of all plant installed with hook-up fee monies.
5. Balance in hook-up fee account as of June 30th.

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Introduction

On December 26, 2006, the Arizona Corporation Commission (“Commission”) ordered Diablo Village Water Company (“Diablo Village” or “the Company”) to file a Hook-up Fee tariff application no later than February 1, 2007.¹

On February 1, 2007, Diablo Village filed a proposed off-site facilities hookup fee tariff under a different docket number.² Subsequently, the Company decided to amend its tariff filed on February 1, 2007, and on March 7, 2007, filed a revised tariff which is the subject tariff in this Docket. On March 15, 2007, the Company filed a letter waiving the 30-day time-clock so that Staff could complete its review of the filing and the matter could be taken-up at the Commission’s May 2007 open meeting.

Background

Diablo Village is a Subchapter “S” public service corporation. The Company serves an area consisting of approximately three and one-half square miles located southwest of the City of Tucson in Pima County. The Company’s water system consists of one well (Well #1) having 400 gallons per minute (“gpm”) of production capacity, one 200,000 gallon storage tank and a distribution system serving approximately 870 connections. The Company also has an interconnection agreement with the City of Tucson Water that allows it to purchase up to 500 gpm of water when needed from the City.

Diablo Village’s current rates were approved in Decision No. 65044, dated July 24, 2002. Ordering paragraph six of Decision No. 69206, ordered Diablo Village to file a rate case application by June 30, 2007, using a calendar year 2006 test year.

Purpose of the Proposed Hook-Up Tariff

The proposed hook-up fee tariff and off-site hook-up fees would be used to fund 80 percent of capital expenditures that Diablo Village either has incurred, or will incur, in connection with new growth and ongoing service requirements in its CC&N.³ The Company will need additional production and storage capacity to serve its existing base of customers plus the projected growth.

Description of the Proposed Hook-Up Tariff

The Company seeks approval to implement an Off-site Facilities Hook-up Fee tariff of \$640 for all new 5/8 x 3/4 inch service connections. The proposed hook-up fee of \$640 is based on project construction cost estimates totaling \$2,322,178 that will provide a source of water for

¹ Decision No. 69206.

² The February 1, 2007, tariff was filed in Docket No. W-02309A-07-0078. This Docket was administratively closed.

³ Diablo Village’s Amended Application, page 2.

approximately 2,700 new customers in the Company's certificated service area. The Company requests that \$1,857,742 (or 80 percent of the \$2,322,178) be funded through the use of hook-up fees. The \$2,322,178 includes: a) installation of Well #1⁴ and a 210,000 gallon storage tank at the Well #1 Site; b) installation of Well #2 and a 300,000 gallon storage tank at the Well #2 Site; c) various upgrades to Well Sites #1 and #2; and d) installation of a radio read system for service meters.

Financial Analysis

Staff found that the balance sheet included in the annual report for the year ending 2006 filed before the Commission does not balance. The Company has been ordered, through Decision No. 69206 dated December 21, 2006, to keep its accounts according to the National Association of Regulatory Utility Commissioners ("NARUC") system of accounts and to file a statement from a Certified Public Accountant ("CPA") indicating that the Company's books and records are being kept in compliance with the NARUC system of accounts.

Based on the information provided, Staff's financial analysis is illustrated on Schedule PMC-1. As of December 31, 2006, the Company's capital structure is composed of 0 percent debt and negative equity. The amount of equity is negative \$142,313. In contrast, the current amount of Advances In Aid of Construction ("AIAC") is \$48,595. In this scenario, AIAC funding represents over 100 percent of total capital (common equity plus short-term debt plus long-term debt), inclusive of AIAC. When including the Company proposed hook-up fees, the ratio of AIAC and Contributions In Aid of Construction ("CIAC") of total capital (inclusive of AIAC and CIAC) is 86 percent. Staff typically recommends that AIAC and/or CIAC funding not exceed 30 percent of total capital, inclusive of AIAC and CIAC for private and investor owned utilities.

Although hook-up fees may help to mitigate future rate increases, this application represents an over-reliance on AIAC/CIAC and results in undercapitalization, and these conditions are problematic because there is no rate base on which to establish rates. In the absence of an appropriate amount of rate base, the existing practice is to set rates based on an operating margin of approximately 15 to 20 percent of revenues. In effect, earnings and rates are driven by a percentage of sales rather than the shareholders' investment. This practice may unfairly burden the ratepayers by providing earnings on an inadequate level of investment. Since this application seeks to fund 80 percent of expansion through CIAC with 20 percent of costs as equity added to rate base, the addition of customers to the system at existing rates will increase total revenues and related earnings, but there will be a disproportionate corresponding increase in the rate base.

Undercapitalization also creates a business paradigm with unusually high levels of risk and instability. In the event that the Company would apply for debt at some point in the future, the cost of borrowing would be excessive but more importantly, the Company would have

⁴ Well #1 has been constructed and was placed into service in January 2005.

significant difficulty in conforming to debt covenants. As a result, incurring debt would become very difficult, if not impossible, and the Company would thereby be precluded from any future endeavors to create a more optimum capital structure. In effect, an inappropriate capital structure will help to perpetuate itself.

Due to the high aforementioned and the ratio of current AIAC to total capital and the high ratio of the proposed hook-up fee (CIAC) and AIAC to total capital, it would be not be appropriate for the Commission to authorize the hook-up fees in this case. However, in the event that the Commission were to authorize hook up fees in this case, such authorization should be subject to the following conditions:

- A. That the Company should seek accounting assistance, from a licensed CPA, to prepare and file a revised annual report before the Commission to correct current inaccuracies, and
- B. That the Company establish an equity accumulation plan that includes the following: 1) Establishment of a base common equity position (in dollars) at December 31, 2006 based on audited financials;⁵ 2) Requiring common equity to increase over the base position by no less than two percent of all cumulative revenues recorded subsequent to December 31, 2006, as measured at the end of each fiscal year, until a) Common equity represents at least 40 percent of total capital- (common equity plus short-term debt plus long-term debt); and b) Combined AIAC and CIAC funding does not exceed 30 percent of total capital, inclusive of CIAC and AIAC; 3) Upon attainment of common equity equal to or greater than 40 percent of total capital, prohibit the Company from distributing earnings, gains, dividends, etc., to owners in any manner that would result in either a) a reduction of common equity below 40 percent equity of total capital; or b) combined AIAC and CIAC funding exceeding 30 percent of total capital, inclusive of CIAC and AIAC; and 4) Require filing of an annual report with Docket Control by April 15th that includes an affidavit attesting the company's compliance or non-compliance with the above stated requirements, along with all supportive documentation.

Engineering Analysis

In the event that the Commission decides to authorize the hook-up fees, Staff recommends that an Off-site Facilities Hook-up Fee tariff of \$500 for all new $\frac{5}{8}$ x $\frac{3}{4}$ inch service connections be approved. Staff's recommended fee is based on an estimated cost to add additional production and storage facilities divided by the number of customers those additional facilities could serve. The estimated facility costs Staff used in its calculations were based on recent production and storage costs the Company used in its calculations.⁶ Staff recommends

⁵ Establishing the correct common equity balance is another reason the Company should acquire the services of a certified public accountant.

⁶ Staff's recommended fee assumes that additional production and storage in the future will approximate what the Company reported as the cost to install a new well and storage tank at Well Site #1 which totaled \$677,000. Staff

that revenues collected from the hook-up fees only be used to construct off-site backbone plant such as wells and storage tanks. The Company proposed to use the revenue generated to construct automatic meter reading equipment. Staff's recommended fee excludes the cost of this equipment.

Subject to the conditions recommended in the above financial analysis, Staff recommends that the NARUC meter factors be used to develop a schedule of charges based on the meter size of each new service connection.

Off-site Facilities Hook-up Fee Charge Schedule

Meter size	NARUC meter factors	Fee (\$)
5/8" x 3/4"	1	500
3/4"	1.5	750
1"	2.5	1,250
1 1/2"	5	2,500
2"	8	4,000
3"	16	8,000
4"	25	12,500
6" or larger	50	25,000

Recommendations

Staff recommends that the Commission deny the hook-up fees in this case, due to the high ratio of current AIAC to total capital and the high ratio of the proposed hook-up fee and AIAC/CIAC to total capital.

Staff further recommends that in the event the Commission decides to authorize hook-up fees, the authorization should be subject to the conditions specified in the financial analysis of this report.

Staff further recommends that in the event the Commission were to authorize hook up fees in this case, the attached hook-up fee tariff schedule should be docketed along with the approved hook-up fee amounts, as a compliance item under this docket number, within sixty (60) days of the effective date of a Commission Decision granting approval.

then divided the \$677,000 by Staff's estimate of the number of 5/8 x 3/4 inch equivalent service connections the facilities could potentially serve based on current water use data.

Staff further recommends that in the event the Commission approves the hook-up fee tariff in this case, the Company be required to submit an annual report in July of each year, beginning July 2008, that covers the previous 12 months and contains the following information:

1. List of all persons/entities that paid the hook-up fee.
2. Amount paid by each person/entity.
3. Amount of hook-up fee monies spent.
4. List of all plant installed with hook-up fee monies.
5. Balance in hook-up fee account as of June 30th.

FINANCIAL ANALYSIS

Capital Structure

1	Short-term Debt	\$0	¹
2			
3	Long-term Debt	\$0	¹
4			
5	Common Equity	(\$142,313)	¹
6			
7	Total Capital	(\$142,313)	
8			
9	Advances in Aid of Construction ("AIAC")	\$48,595	¹
10			
11	AIAC Funding Ratio	Over 100%	²
12	(9)/(7+9)		

Pro Forma Capital Structure³

14	Short-term Debt	\$0	
15			
16	Long-term Debt	\$0	
17			
18	Common Equity	\$322,123	
19			
20	Total Capital	\$322,123	
21			
22	Hook-Up Fee (80%)	\$1,857,742	⁴
23			
24	Hook-Up Fee and AIAC Funding Ratio	86%	²
25	(9+22)/(9+20+22)		

28 ¹ Based on the annual report for the year ending 2006
29 ² Staff typically recommends that AIAC and/or CIAC funding not exceed 30 percent
30 of total capital inclusive of AIAC and CIAC for private and investor owned utilities.
31 ³ Pro forma capital structure assumes that the Company will use equity to fund
32 the remaining 20 percent of capital expenditures.
33 ⁴ Amended Application, Appendix "A", Line 26.
34

Utility: Diablo village Water CompanyTariff Sheet No.: Page 1 of 3Docket No.: W-02309A-07-0140

Decision No.: _____

Phone No.: (520) 290-1255

Effective: _____

OFF-SITE WATER FACILITIES HOOK-UP FEE

I. Purpose and Applicability

The purpose of the hook-up fees payable to Diablo village Water Co. ("Company") pursuant to this tariff is to equitably apportion the costs of constructing additional facilities to provide water production, storage, pressure and fire flow among all new service connections.

These charges are applicable to all new service connections established after the effective date of this tariff. The charges are one-time charges and are payable as a condition to the Company's establishment of service, as more particularly provided below.

II. Definitions

Unless the context otherwise requires, the definitions set forth in R-14-2-401 of the Arizona Corporation Commission's rules and regulations governing water utilities shall apply in interpreting this tariff schedule.

"Applicant" means any party entering into an agreement with Company for the installation of water facilities to serve new service connections.

"Company" means Diablo village Water Company an Arizona corporation.

"Main Extension Agreement" means any agreement whereby an Applicant agrees to advance the costs of the installation of water facilities to the Company to serve new service connections, or install water facilities to serve new service connections and transfer ownership of such water facilities to the Company, which agreement shall require the approval of the Arizona Corporation Commission (same as line extension agreement).

"Off-Site Facilities" means wells, storage tanks and related appurtenances necessary for proper operation, including engineering and design costs. Off-Site facilities may also include booster pumps, pressure tanks, transmission mains and related appurtenances necessary for proper operation, if these facilities are not for the exclusive use of the applicant and these facilities will benefit the entire water system.

"Service Connection" means and includes all service connections for single-family residential, commercial, industrial, or other uses, regardless of meter size.

Utility: Diablo village Water CompanyTariff Sheet No.: Page 2 of 3Docket No.: W-02309A-07-0140

Decision No.: _____

Phone No.: (520) 290-1255

Effective: _____

III. Off-Site Hook-Up Charges

Each new service connection shall pay the total off-site facilities hook-up fee, derived from the following table:

OFF-SITE FACILITIES HOOKUP FEE TABLE		
Meter Size	NARUC Meter Factor	Total Fee
5/8" x 3/4 "	1	500
3/4"	1.5	750
1"	2.5	1,250
1- 1/2 "	5	2,500
2"	8	4,000
3"	16	8,000
4"	25	12,500
6" or larger	50	25,000

IV. Terms and Conditions

- (A) Assessment of One Time Hook-Up Charge: The hook-up fee may be assessed only once per service connection, or lot within a platted subdivision (similar to meter and service line installation charges). However, this provision does not exempt from the hook-up fee, any newly created parcel(s) which are the result of further subdivision of a lot or land parcel and which do not have a service connection.
- (B) Use of Off-Site Hook-Up Fee: Hook-Up fees may only be used to pay for the capital items of off-site facilities, or for repayment of loans obtained for installation of off-site facilities. Off-site hook-up fees shall not be used for repairs, maintenance, plant replacements, or operational purposes.
- (C) Time of Payment:
- (1) In the event that the Applicant is required to enter into a main extension agreement, whereby the Applicant agrees to advance the costs of installing mains, valves, fittings, hydrants and other on-site improvements in order to extend service in accordance with R-14-2-406 (B), payment of the charges required hereunder shall be made by the Applicant within 15 calendar days after receipt of notification from the Company that the Utilities Division of the Arizona Corporation Commission has approved the main extension agreement in accordance with R14-2-406(M).

TARIFF SCHEDULE

EXHIBIT 1

Utility: Diablo village Water CompanyTariff Sheet No.: Page 3 of 3Docket No.: W-02309A-07-0140

Decision No.: _____

Phone No.: (520) 290-1255

Effective: _____

- (2) In the event that the Applicant is not required to enter into a main extension agreement, the charges hereunder shall be due and payable at the time the meter and service line installation fee is due and payable.
- (D) Failure to Pay Charges; Delinquent Payments: Under no circumstances will the Company set a meter or otherwise allow service to be established if the Applicant has not paid in full all charges as provided by this off-site hook-up fee tariff.
- (E) Off-Site Hook-Up Fee Non-refundable: The amounts collected by the Company pursuant to the off-site hook-up fee shall be non-refundable contributions in aid of construction.
- (F) Use of Charges Received: All funds collected by the Company as off-site hook-up fees, shall be deposited into a separate interest bearing trust account and used solely for the purposes of paying for the costs of off-site facilities, including repayment of loans obtained for the installation of off-site facilities that will benefit the entire water system.
- (G) Off-Site Hook-Up Fees In Addition to Other Charges: The off-site hook-up fees shall be in addition to any costs associated with a main extension agreement for on-site facilities, and are in addition to the amounts to be advanced pursuant to charges authorized under other sections of this tariff.
- (H) Disposition of Excess Funds: After all necessary and desirable off-site facilities are constructed utilizing funds collected pursuant to the off-site hook-up fee or the off-site hook-up fee has been terminated by order of the Arizona Corporation Commission (Commission), any funds remaining in the trust shall be refunded. The manner of the refund shall be determined by the Commission at the time a refund becomes necessary.
- (I) Fire Flow Requirements: In the event the applicant for service has fire flow requirements that require additional facilities beyond those facilities whose costs were generally provided, the Company may require the Applicant to install such additional facilities as are required to meet those additional fire flow requirements, as a non-refundable contribution, in addition to the off-site hook-up fee.

Effective Date: _____

Approved for Filing in Compliance with

Decision No. _____

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BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
KRISTIN K. MAYES
Commissioner
GARY PIERCE
Commissioner

IN THE MATTER OF DIABLO VILLAGE
WATER COMPANY, INC., TARIFF FILING
TO IMPLEMENT AN OFF-SITE
FACILITIES HOOK-UP FEE TARIFF

DOCKET NO. W-02309A-07-0140

DECISION NO. _____

ORDER

Open Meeting
May 8 and 9, 2007
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Diablo Village Water Company ("Diablo Village") is certificated to provide water service as a public service corporation in the State of Arizona.

BACKGROUND

2. In Decision No. 69206, dated December 21, 2006, the Commission ordered the Company to file a hook-up fee tariff for the Commission's review no later than February 1, 2007.

3. On February 1, 2007, Diablo Village Water Company ("Diablo Village" or "Company") filed an Off-site Hookup Fee Tariff (Docket No. W-02309A-07-0078) with the Commission. This filing has been administratively closed.

4. On March 7, 2007, Diablo Village filed a revised tariff which is the subject tariff in this Docket.

5. On March 15, 2007, the Company filed a letter waiving the 30-day time-clock so that Staff could complete its review of the filing and the matter could be taken-up at the Commission's May 2007 Open Meeting.

1 (“CIAC”) of total capital (inclusive of AIAC and CIAC) would be 86 percent. Staff typically
2 recommends that AIAC and/or CIAC funding not exceed 30 percent of total capital, inclusive of
3 AIAC and CIAC for private and investor owned utilities.

4 10. Staff recommends that due to the high ratio of current AIAC to total capital and the
5 high ratio of the proposed hook-up fee and AIAC to total capital, it would be not be appropriate for
6 the Commission to authorize the hook-up fees in this case.

7 **CONCLUSIONS OF LAW**

8 1. Diablo Village is an Arizona public service corporation within the meaning of
9 Article XV, Section 2, of the Arizona Constitution.

10 2. The Commission has jurisdiction over the Company and of the subject matter in
11 this Application.

12 3. The Staff recommendation contained in Findings of Fact No. 10 is reasonable and
13 appropriate and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the tariff filing shall be denied.

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

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

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 this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2007.

BRIAN C. McNEIL
Executive Director

DISSENT: _____

DISSENT: _____

EGJ:DMH:PMC:tdp/RRM

1 SERVICE LIST FOR: DIABLO VILLAGE WATER COMPANY, INC.
2 DOCKET NO. W-02309A-07-0140

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