



0000072045

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

MAY - 3 2007

2007 MAY -3 A 10: 37

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	NE
-------------	----

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

25

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF WATER UTILITY OF GREATER TONOPAH, INC., AN ARIZONA CORPORATION, FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO ENCOMPASS ALL OR PORTIONS OF SECTIONS 15, 17, AND 22, T2N, R52, G&SRB&M, MARICOPA COUNTY, ARIZONA (AKA THE HASSAYAMPA RANCH DEVELOPMENT).

DOCKET NO. W-02450A-04-0837

PROCEDURAL ORDER

BY THE COMMISSION:

On November 14, 2005, the Arizona Corporation Commission ("Commission") issued Decision No. 68307 which approved the application of the Water Utility of Greater Tonopah, Inc. ("Company" or "Applicant") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide public water utility service to the Hassayampa Ranch, a 2,066 acre subdivision in Maricopa County, Arizona. The Commission's approval in Decision No. 68307 was conditional upon the Company filing the following documentation in a timely fashion:

- that the storage and production deficiencies outlined in the Company's system improvement plan submitted to the Commission's Utilities Division ("Staff") on September 9, 2005, be corrected not later than December 31, 2006;
- that the Company file, within one year of the effective date of the Decision, with the Commission's Docket Control as a compliance item, a copy of the Maricopa County Environmental Services Department ("MCESD") Certificate of Approval of Construction ("CAC") for Applicant's water source/treatment plant and water distribution system for Hassayampa Ranch;
- that the Company file, within one year of the effective date of the Decision, with the Commission's Docket Control as a compliance item, a copy of the developer's Certificate of Assured Water Supply ("CAWS") issued by the Arizona Department of Water Resources ("ADWR") where applicable or when required by statute;

- 1 • that the Company file, by June 30, 2006, with the Commission's Docket Control as a
2 compliance item, documents showing compliance with the new arsenic standard;
- 3 • that the Company file, by December 31, 2005, with the Commission's Docket
4 Control, proposed stand alone rates to be applied solely to the extension area. In the
5 alternative, the Company should provide documentation to demonstrate that its
6 existing customers will be positively impacted by the addition of the new water
7 facilities necessary to serve the extension area if it intends to use its existing rates for
8 Hassayampa Ranch; and
- 9 • that the Company file, by December 31, 2006, with the Commission's Docket
10 Control as a compliance item, a copy of the applicable Maricopa County franchise.

11 On March 27, 2007, the Company filed a Motion to Extend Time ("Motion") for the filing of
12 certain of the above-referenced documentation "due to an overall delay in the project precipitated by
13 numerous factors" related to problems being experienced by the developer of Hassayampa Ranch.

14 On March 29, 2007, by Procedural Order, Staff was directed to file a response to the
15 Company's Motion.

16 On April 16, 2007, Staff filed its response stating that the Company is in compliance with
17 three of the six above-referenced requirements. According to Staff, the following requirements have
18 not been satisfied:

- 19 • that the Company file, by June 30, 2006, evidence of compliance with the new
20 arsenic standard;
- 21 • that the Company file, by November 14, 2006, a copy of the MCESD CAC for the
22 water source/treatment plant, and for the distribution system for Hassayampa Ranch;
- 23 • that the Company file, by November 14, 2006, a copy of the developer's CAWS
24 issued by ADWR where applicable or when required by statute; and
- 25 • that storage and production deficiencies be corrected no later than December 31,
26 2006.

27 Since Staff believes the project is going forward, Staff is recommending extensions be
28 granted to the Company in the following manner:

- 29 • that the Company file, with the Commission's Docket Control, a plan to meet storage
30 and production deficiencies and completely correct the deficiencies by December 31,
31 2007;
- 32 • that the Company file, by December 31, 2007, with the Commission's Docket
33 Control, evidence of compliance with the new arsenic standard;

- 1
- 2
- 3
- 4
- 5
- that the Company file, by September 23, 2008, with the Commission's Docket Control, a copy of the MCESD CAC for the water source/treatment plant, and for the distribution system for Hassayampa Ranch; and
 - that the Company file, by September 23, 2008, with the Commission's Docket Control, a copy of the developer's CAWS issued by the ADWR where applicable or when required by statute.

6 Staff further recommends that the Company be admonished for its delinquent requests for
7 extensions and be put on notice that future delinquent requests may be denied and may result in
8 sanctions being imposed.

9 Accordingly, the recommendations by Staff are reasonable and the extensions as
10 recommended should be approved. Additionally, the Company should note that requests for
11 extensions should be filed in a timely fashion or the requests may be denied, and result in sanctions
12 being imposed in the future.

13 IT IS THEREFORE ORDERED that the extensions for the Water Utility of Greater Tonopah,
14 Inc. are approved as follows:

- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- that the Company file a plan to meet storage and production deficiencies with the Commission's Docket Control, and completely correct the storage and production deficiencies by December 31, 2007;
 - that the Company file, by December 31, 2007, with the Commission's Docket Control, evidence of compliance with the new arsenic standard;
 - that the Company file, by September 23, 2008, with the Commission's Docket Control, a copy of the MCESD CAC for the water source/treatment plant and for the distribution system for Hassayampa Ranch; and
 - that the Company file by September 23, 2008, with the Commission's Docket Control, a copy of the developer's CAWS issued by ADWR where applicable or when required by statute.

24

25 DATED this 30th day of May, 2007

26

27

28



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

1 :
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Copies of the foregoing mailed/delivered
this 3rd day of May, 2007 to:

Michael W. Patten
Timothy J. Sabo
ROSHKA DeWULF & PATTEN, PLC
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004
Attorneys for Water Utility of Greater Tonopah, Inc.

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

By:


Debra Broyles
Secretary to Marc Stern