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BEFORE THE ARIZONA CORPORATION COMMISSION

2007 MAY 14 P 12: 03

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Commissioner

Arizona Corporation Commission
DOCKETED

MAY 14 2007

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9 IN THE MATTER OF THE
10 APPLICATION OF BLACK
11 MOUNTAIN SEWER
12 CORPORATION, AN ARIZONA
13 CORPORATION, FOR A
14 DETERMINATION OF THE FAIR
VALUE OF ITS UTILITY PLANT
AND PROPERTY AND FOR
INCREASES IN ITS RATES AND
CHARGES FOR UTILITY SERVICE
BASED THEREON.

DOCKET NO: SW-02361A-05-0657

STIPULATION REGARDING CIE LIFT
STATION REMEDIATION PURSUANT
TO DECISION NO. 69164

15
16 In Decision No. 69164 (December 5, 2006), the Arizona Corporation Commission
17 directed Black Mountain Sewer Corporation ("BMSC") to complete a project to remedy
18 odor problems associated with the CIE Lift Station within 180 days of the Decision, or on
19 or before June 3, 2007 "unless an extension is granted upon an appropriate timely
20 request." By this stipulation, the undersigned parties agree that an extension of 90 days, or
21 until September 1, 2007, is warranted.

22 As reflected in BMSC's filing dated January 3, 2007, the plan to remove the CIE
23 Lift Station "is contingent upon Tranquil Trails Unit 1 receiving an Approval of
24 Construction permit from Maricopa County Environmental Services Dept (MCESD)." As
25 reflected in the April 26, 2007 from BMSC's engineers, copy attached hereto as
26 Exhibit A, the Developers' receipt of the requisite approval has been delayed and approval

1 is not expected to be received until mid-July. Once the approval is received by the
2 developer of the Tranquil Trails Unit 1, BMSC's engineers estimate that it will take two
3 weeks to complete the removal of the CIE Lift Station.

4 BMSC has met with and/or informed representatives from the Town and the HOA
5 of the delay. While the parties are disappointed that the delay has occurred, it is
6 recognized that the circumstances are outside BMSC's control. Accordingly, it is also
7 agreed that an extension of the June 3, 2007 deadline to remedy the CIE Lift Station odor
8 issues is necessary and appropriate. Thus, the parties further agree to a 90 day extension
9 of the compliance deadline, or until September 1, 2007, for BMSC to remedy the CIE Lift
10 Station as required by Decision No. 69164. BMSC will continue to make every effort to
11 complete the remediation earlier than this date.

12 Except as otherwise agreed to herein, BMSC shall continue to abide by the
13 mandates of Decision No. 69164. Additionally, by signing this stipulation, Staff is not
14 intending to make any recommendation regarding ratemaking treatment associated with
15 the costs to remedy the CIE Lift Station odor issues.

16 Residential Utility Consumer Office has declined to sign this stipulation and takes
17 no position.

18 DATED this 14th day of May, 2007.

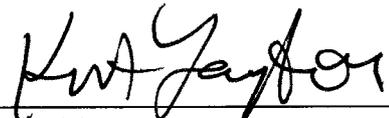
19 FENNEMORE CRAIG, P.C.

20
21 By _____

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Attorneys for Black Mountain Sewer Corporation

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ARIZONA CORPORATION COMMISSION

By 

Keith Layton
Staff Counsel
Legal Division
1200 W. Washington Street
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BOULDERS HOMEOWNERS ASSOCIATION

By *Mrs. Marilyn H. Courier*
Mrs. Marilyn H. Courier
P. O. Box 2037
Carefree, AZ 85377

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MOHR, HACKETT, PEDERSON, BLAKLEY &
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By 

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ORIGINAL and thirteen (13) copies of the foregoing were delivered this 14th day of May, 2007 to:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

A copy of the foregoing was delivered this 14th day of May, 2007 to:

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Daniel Pozefsky, Esq.
Residential Utility Consumer Office
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Phoenix, AZ 85007

A copy of the foregoing was **mailed** this 14th day of May, 2007 to:

Boulders Homeowners Association
P.O. Box ~~1470~~ 2037
Carefree, AZ 85377

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