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ARIZONA CORPORATION COMMISSION

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June 21, 2007

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Arizona Corporation Commission
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JUN 22 2007

Mr. Ernest Johnson
Utilities Director
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

DOCKETED BY *SN*

Re: Order to Show Cause Proceeding against Litchfield Park Service Company; Docket No. SW-01428A-06-0444

Dear Mr. Johnson:

Earlier this afternoon, I was notified by Goodyear city officials about an incident involving the Litchfield Park Service Company's ("LPSCO") sewer system. According to City of Goodyear officials, around 10:00 AM approximately 8 to 10 manholes popped in the vicinity of McDowell Road and Litchfield Road due to an overflow of LPSCO's Palm Valley Wastewater Reclamation Facility.

Apparently, LPSCO did not have any equipment on-site to begin pumping the sewage off the street until around 12:30 PM. Until that time, the City of Goodyear assisted the Company with cleanup of the sewage overflow. To my knowledge, the City of Goodyear remained on-site to assist the Company throughout the day. Goodyear officials informed me that the sewage spilled out onto the street and into the vicinity of nearby businesses and restaurants.

As you know, Commission rules require Companies to report an incident if an injury is involved or if damage to Company equipment above \$5,000 is sustained. To my knowledge, the first report of today's incident to the Commission involved a phone call to my office from City of Goodyear officials. The incident was not reported by LPSCO until the Commission received an email from Bob Dodds, a LPSCO official, around 4:30 PM.

Although the Company claims that this incident did not result in a public health hazard it would certainly appear to this Commissioner that a release of raw sewage into public streets has the potential to pose a threat to health and safety. What is more, this is yet another in a long line of incidents involving the LPSCO plant. As you know, the Commission has broad statutory authority to address service problems relating to utility plant. ARS § 40-321 grants the Commission the authority to determine whether a Company's facilities are inadequate or insufficient. ARS § 40-361(B) requires public service corporations to "furnish and maintain such service, equipment and facilities as will promote the safety, health, comfort and convenience of

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its patrons, employees and the public as will be in all respects adequate, efficient and reasonable.”

Given this most recent incident, I believe that the Commission has the authority to commence an Order to Show Cause (“OSC”) proceeding against LPSCO, and I am today requesting that Staff initiate such a proceeding. It is in the public interest to address the issues surrounding LPSCO’s facilities, to put an end to the problems at LPSCO involving repeated odor emissions and emanations of raw sewage, and to determine whether any laws or Commission regulations have been violated as a result of these incidents.

I appreciate your timely response to my inquiry.

Sincerely,



Kris Mayes
Commissioner

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