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BEFORE THE ARIZONA CORPORATION COMMISSION

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2007 MAY 21 P 2:12
 AZ CORP COMMISSION
 DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
 MAY 21 2007

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IN THE MATTER OF THE APPLICATION OF
 BALTERRA SEWER CORPORATION FOR A
 CERTIFICATE OF CONVENIENCE AND
 NECESSITY TO PROVIDE WASTEWATER
 SERVICE IN MARICOPA COUNTY, ARIZONA

DOCKET NO. SW-20403A-05-0586

PROCEDURAL ORDER

BY THE COMMISSION:

On June 5, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68742 which approved the application of Balterra Sewer Corporation ("Company" or "Applicant") for a Certificate of Convenience and Necessity ("Certificate") to provide public wastewater utility service in the vicinity of 411th Avenue and Camelback Road in Maricopa County, Arizona. The Commission's approval was conditional upon the Company filing copies of the following documents in a timely fashion:

- A copy of the Maricopa Association of Governments' ("MAG") approved Section 208 Plan ("208 Plan") Amendment by April 30, 2007;
- A copy of an Approval to Construct issued by the Maricopa County Environmental Services Department ("MCESD") for the proposed Phase I wastewater treatment plant by June 30, 2007;
- A copy of an Approval of Construction issued by MCESD for the proposed Phase I wastewater treatment plant by March 31, 2008; and
- A copy of an Aquifer Protection Permit ("APP") and/or Arizona Pollutant Discharge Elimination System ("AZPDES") permit issued by the Arizona Department of Environmental Quality ("ADEQ") by October 31, 2007.

On April 9, 2007, the Company filed a Motion to Extend Time ("Motion") for filing the above-referenced documents as follows:

- Approval of the MAG 208 Plan to August 31, 2007;
- Approval to Construct from June 30, 2007 to October 30, 2007;

- 1 • Approval of Construction from March 31, 2008 to September 30, 2009; and
- 2 • ADEQ approved APP and/or AZPDES permit from October 31, 2007 to November
- 3 30, 2008.

4 The Company's Motion describes how recent changes by ADEQ in the requirements for it to
5 forward a Company's 208 Plan to the Environmental Protection Agency ("EPA") of the United States
6 for the EPA's approval of the 208 Plan under the Clean Water Act ("CWA") have resulted in delays
7 in the processing of the Company's request for approval by the EPA. Despite the fact that MAG sent
8 its approval of the Company's 208 Plan to ADEQ on August 21, 2006, ADEQ refused to forward the
9 MAG approval to the EPA for review until January 25, 2007, after the Company satisfactorily
10 explained how it would perform the equivalent functions of a Designated Management Agency
11 ("DMA") under the CWA. The Company now anticipates the EPA review of its 208 Plan to be
12 concluded by the end of June 2007, and once the EPA's approval is given, will proceed with securing
13 the other documentation in a timely fashion as requested.

14 On April 17, 2007, the Commission's Utilities Division ("Staff") was directed to file a
15 response to the Company's Motion.

16 On April 30, 2007, Staff filed its response recommending approval of the Company's Motion
17 indicating that the delay experienced by the Company had been verified and the requested extensions
18 were reasonable under the circumstances. Staff also pointed out that the Company's certificated
19 service area does not yet have a certificated water provider since the Water Utility of Greater
20 Tonopah ("WUGT"), which has applied for an extension of its Certificate to service the area, has not
21 yet had its application deemed sufficient and estimated that WUGT's application will probably not be
22 fully processed for at least six months.

23 Accordingly, the Company's Motion is reasonable and should be granted.

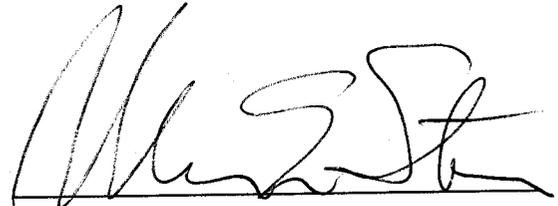
24 IT IS THEREFORE ORDERED that the Motion to Extend Time by Balterra Sewer
25 Corporation is hereby granted as follows:

- 26 • Approval to file the MAG 208 Plan by August 31, 2007;
- 27 • Approval to file Approval to Construct by October 30, 2007;

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- Approval to file Approval of Construction by September 30, 2009; and
- Approval to file Aquifer Protection Permit and/or AZPDES by November 30, 2008.

DATED this 21st day of May, 2007



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 21st day of My 2007 to:

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By: 
Debra Broyles
Secretary to Marc E. Stern