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FENNEMORE CRAIG, P.C. 2007 JUN -5 P 4: 35
Jay L. Shapiro (#014650)
Patrick J. Black (#017141) AZ CORP COMMISSION
3003 N. Central Ave., Suite 2600 DOCKET CONTROL
Phoenix, Arizona 85012
Attorneys for Black Mountain Sewer Corporation

Arizona Corporation Commission
DOCKETED
JUN -5 2007

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED BY
nr

IN THE MATTER OF THE
APPLICATION OF BLACK
MOUNTAIN SEWER CORPORATION,
AN ARIZONA CORPORATION, FOR
A 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

**NOTICE OF COMPLIANCE
PURSUANT TO DECISION NO. 69164**

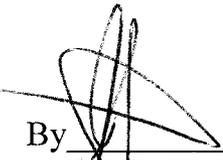
In Decision No. 69164 (December 5, 2006) ("Order"), the Arizona Corporation Commission directed Black Mountain Sewer Corporation ("BMSC") to remedy odor problems with the Boulders Drive sewer system within 180 days. Pursuant to the Order, BMSC retained McBride Engineering Solutions, Inc. ("MES") to evaluate the sewer system and recommend ways to accomplish odor remediation. Based on its evaluation, MES advised BMSC to install air jumpers along portions of the system.

Attached hereto as **Exhibit 1** is the Certification of Substantial Completion from MES dated May 31, 2007. This document verifies that the Boulders Drive project is complete. Because the existing pipes were to remain in place, Maricopa County considered the project a "repair" rather than a new construction. Therefore, the County never issued an Approval to Construct, and consequently will not be issuing an Approval of Construction. No other approval for this project is required, the facilities are now in operation and BMSC represents that it has taken the steps necessary to remedy odor problems with the Boulders Drive sewer system.

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DATED this 5th day of June, 2007.

FENNEMORE CRAIG, P.C.

By 

Jay L. Shapiro
Patrick J. Black
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012
Attorneys for Black Mountain Sewer
Corporation

ORIGINAL and thirteen (13) copies of the
foregoing were delivered
this 5th day of June, 2007 to:

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

COPIES hand delivered
this 5th day of June, 2007 to:

Keith Layton
Staff Counsel
Legal Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

Daniel Pozefsky, Esq.
Residential Utility Consumer Office
1110 W. Washington, Suite 220
Phoenix, AZ 85007

1 Brian Bozzo
2 Utilities Division
3 Arizona Corporation Commission
4 1200 W. Washington St.
5 Phoenix, AZ 85007

6 And COPIES mailed
7 this 5th day of June, 2007 to:

8 Boulders Homeowners Association
9 P.O. Box 2037
10 Carefree, AZ 85377

11 M. M. Shirtzinger
12 34773 N. Indian Camp Trail
13 Scottsdale, AZ 85262

14 Thomas K. Chenal, Esq.
15 David Garbarino, Esq.
16 Mohr, Hackett, Pederson, Blakley & Randolph
17 7047 E. Greenway Parkway, Suite 155
18 Scottsdale, AZ 85254

19 By: Wain San Joe

20 1920413.1/16040.031

Exhibit 1



CERTIFICATION OF SUBSTANTIAL COMPLETION

1. PROJECT INFORMATION:

Project Name: Boulder Drive Air Jumpers

Project Description: project is designed to reduce odor emission by providing pipes commonly referred to as 'air jumpers' which contain and convey air through the sewer collection system.

Contractor: DL Norton General Contracting

Contractor's Superintendent: Robert (Bob) Izzo

2. SYSTEM INFORMATION:

System Type: Water Wastewater Reclaimed Water

System Name: Black Mountain Sewer Company

3. CERTIFICATION INFORMATION:

This is to certify that I, Debra C. McGrew, a professional Engineer registered in the State of Arizona (Registration No. 13909) certify on the basis of an inspection on May 30, 2007 (date) that work performed on this project has been reviewed and found to be substantially complete, and that the Date of Substantial Completion of the Project, as described above, is May 31, 2007

Definition: Date of Substantial Completion of the project, is the date certified by the Engineer when construction is substantially complete in accordance with the Contract Documents such that the Owner may utilize the project for its intended use.



(Seal)

Signature: 

Firm: McBride Engineering Solutions

Address: 7305 W. Boston Street
Chandler, AZ 85226

Date: May 31, 2007 Phone: 480-759-9608