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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
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JUN 18 2007

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IN THE MATTER OF THE APPLICATION OF
HASSAYAMPA UTILITIES COMPANY, INC.
FOR A CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. SW-20422A-05-0659

PROCEDURAL ORDER

BY THE COMMISSION:

On August 29, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68922 which approved the application of Hassayampa Utilities Company, Inc. ("Company" or "Applicant") for a Certificate of Convenience and Necessity ("Certificate") to provide public wastewater utility service to the Hassayampa Ranch subdivision, which is being developed by Hassayampa Ranch Ventures, L.L.C. ("HRV"). Hassayampa Ranch is located west of the Town of Buckeye ("Town") and three miles north of Interstate 10 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 Amendment ("208 Plan") by April 30, 2007;
- A copy of an Approval to Construct ("ATC") issued by the Maricopa County Environmental Services Department ("MCESD") for the proposed Phase I wastewater treatment plant by July 31, 2007;
- A copy of an Approval of Construction ("AOC") issued by MCESD for the proposed Phase I wastewater treatment plant by April 30, 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 April 30, 2008.

On April 30, 2007, the Company filed a Motion to Extend Time ("Motion") for filing the above-referenced documents as follows:

- 1 • MAG approval of the 208 Plan from April 30, 2007 to April 30, 2008;
- 2 • MCESD approval of the ATC from July 31, 2007 to July 31, 2008;
- 3 • MCESD approval of the AOC from April 30, 2008 to April 30, 2009; and
- 4 • ADEQ approval of the APP and/or AZPDES permit from April 30, 2008 to April 30, 2009.

5 The Company's Motion describes how the ATC, AOC and APP cannot be issued until the
6 Company's 208 Plan is approved. The Company has experienced unexpected delays in obtaining 208
7 Plan approval and is requesting all four deadlines be extended by one year.

8 The Company's Motion states that because Hassayampa Ranch is located in unincorporated
9 Maricopa County, MCESD must sponsor the 208 Plan to MAG before MAG will further consider it.
10 The sponsor typically must also request a "letter of no objection" from any municipality within three
11 miles of the proposed 208 Plan service area and so this request was made to the Town.

12 MCESD, the developer, HRV, and the Company attempted repeatedly to obtain a no
13 objection letter from the Town. However, the Town has refused to issue such a letter and ultimately
14 it issued an objection letter late last summer. This objection was based on Hassayampa Ranch's
15 decision to not be annexed into the Town.

16 At that time, MCESD was not ready to sponsor the Company's original MAG 208 Plan (dated
17 September 30, 2005) without the Town's support. Applicant was coincidentally in a position to
18 expand and regionalize its 208 Plan to include two other developments, Belmont and the 339th
19 Avenue development. With MCESD's input, the Company submitted a revised 208 Plan in October
20 2006, which consolidated the Company's Hassayampa Ranch service area with these two other
21 developments into a regional plan termed the Northeast 208 Plan ("NE 208 Plan"). As of February
22 27, 2007, the Company has MCESD sponsorship, despite the Town's repeated objections to the
23 Company's NE 208 Plan. A copy of the MCESD sponsorship letter is attached as an exhibit to the
24 Motion. The Company is now working with MAG to prepare a final draft version to be brought to
25 the public and MAG committees. A copy of the Company's revised March 2007, NE 208 Plan
26 application was provided directly to the Utilities Division's engineering section ("Staff") for their
27 review.
28

1 The Company anticipates obtaining local approval with MAG by September 2007. The
2 Company hopes to have ADEQ certification by October 2007. The Company's NE 208 Plan would
3 then be sent to the Unified States' Environmental Protection Agency, which has 120 days to review
4 and approve it. If these timeframes are achieved, the Company's NE 208 Plan will be fully approved
5 in February 2008. Once the NE 208 Plan approval is obtained, the ATC, AOC and APP can be
6 processed which can take 12 to 15 months, and for these reasons, the Company requests that the
7 Commission grant the extensions described above.

8 On May 23, 2007, Staff filed its response recommending approval of the Company's Motion
9 indicating that the delays experienced by the Company had been verified and the requested
10 extensions were reasonable under the circumstances. Staff also recommended that the Company not
11 be granted any further extensions.

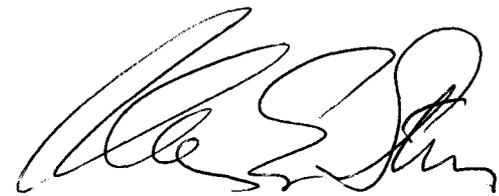
12 Accordingly, the Company's Motion is reasonable and should be granted in accordance with
13 Staff's recommendations.

14 IT IS THEREFORE ORDERED that the Motion to Extend Time by Hassayampa Utilities
15 Company, Inc. is hereby granted as follows:

- 16 • Approval to file the MAG 208 Plan by April 30, 2008;
- 17 • Approval to file Approval to Construct by July 31, 2008;
- 18 • Approval to file Approval of Construction by April 30, 2009; and
- 19 • Approval to file Aquifer Protection Permit and/or AZPDES by April 30, 2009.

20 IT IS FURTHER ORDERED that no further extensions shall be granted if these deadlines are
21 not met.

22
23 DATED this 18th day of June, 2007



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 18th day of June 2007 to:

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By: 
Debra Broyles
Secretary to Marc E. Stern