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BEFORE THE ARIZONA CORPORATION COMMISSION

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3 **MIKE GLEASON**
4 **Chairman**
5 **WILLIAM A. MUNDELL**
6 **Commissioner**
7 **JEFF HATCH-MILLER**
8 **Commissioner**
9 **KRISTIN K. MAYES**
10 **Commissioner**
11 **GARY PIERCE**
12 **Commissioner**

Arizona Corporation Commission
DOCKETED
JUL 31 2007

DOCKETED BY 

13 IN THE MATTER OF THE APPLICATION OF
14 WEST END WATER COMPANY FOR AN
15 EXTENSION OF ITS CERTIFICATE OF
16 CONVENIENCE AND NECESSITY.

DOCKET NO. W-01157A-05-0706

APPLICANT'S RESPONSE TO
INTERVENOR'S APPLICATION
FOR REHEARING OF
DECISION NO. 69672

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17 The Applicant, West End Water Co. ("WEWC"), hereby responds to the
18 Application for Rehearing of Decision No. 69672 (the "Decision") filed by Intervenor
19 City of Surprise on July 18, 2006 (the "Rehearing Application"). The Rehearing
20 Application is without merit.

21 **1. The Applicant provided a Maricopa County Franchise for the
22 extension area.**

23 It is undisputed that the Applicant received a duly approved Franchise from
24 Maricopa County to serve the extension area. This Franchise contained a condition that,
25 within six months of the date of the Franchise, WEWC provide proof of approval of its
26 Application for Extension by the Arizona Corporation Commission ("Commission"). As

1 the Commission is well aware, the process of hearing evidence and making a final
2 determination of the Application was quite lengthy. Thus, the six-month period ran prior
3 to the issuance of the Decision.

4 Prior to the Decision, Surprise repeatedly argued that the expiration of the six-
5 month period somehow made WEWC ineligible to receive approval of its Application for
6 Extension. Specifically, Surprise made the same argument in its Exceptions to the
7 Recommended Opinion and Order, then made the same argument by letter to the
8 Commissioners and Judge Stern dated June 6, 2007. Thus, the Commission was well
9 aware of this argument when it issued the Decision.

10 As a practical matter, WEWC has started the process of reaffirming its Franchise
11 with the County and anticipates complying with the requirements to file, as a compliance
12 item in this docket, a copy of the Franchise agreement within 365 days of the effective
13 date of the Decision, as the Decision provides. The Franchise having been duly approved
14 once, and no material facts having changed since said approval, there is no information
15 that suggests that Maricopa County will not reaffirm WEWC's franchise.

16 **2. Request for Service.**

17 The issue of the existence of a Request for Service, and the importance thereof
18 under the specific facts of this case, was fully litigated and argued prior to the Decision.

19 **3. Fitness for Service.**

20 Ample evidence of WEWC's fitness for service was presented at the hearing and
21 confirmed by Staff. With respect to the Decision, the Commission stated: "This is not a
22 case of competing applications by competing private water companies over which the
23 Commission has jurisdiction." WEWC's fitness is evidenced by its current certificate of
24 convenience and necessity and its good standing with the Commission.

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