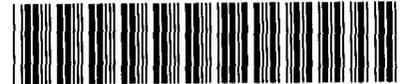


ORIGINAL

OPEN MEETING ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

SEP 05 2007

DOCKETED BY

IN THE MATTER OF THE COMMISSION ON ITS OWN MOTION INVESTIGATING THE FAILURE OF MOUNT TIPTON WATER COMPANY, INC. TO COMPLY WITH COMMISSION RULES AND REGULATIONS.

DOCKET NO. W-02105A-07-0510

COMPLAINT AND PETITION FOR AN ORDER TO SHOW CAUSE

Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission"), for its Complaint and Petition for Order to Show Cause against Mount Tipton Water Company, Inc., an Arizona Corporation, alleges:

JURISDICTION

1. The Commission has jurisdiction to hear complaints against public service corporations pursuant to A.R.S. § 40-246. The Commission has jurisdiction to supervise and regulate public service corporations pursuant to Article XV of the Arizona Constitution and Title 40 of the Arizona Revised Statutes.

2. Respondent Mount Tipton Water Company (the "Company" or "Mount Tipton") is a public service corporation as defined by Article XV, § 2 of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

3. Pursuant to Decision No. 40644, issued May 25, 1970, Mount Tipton received a Certificate of Convenience and Necessity ("CC&N") to provide water service in Mohave County. As a condition of its CC&N, Mount Tipton is required to comply with Arizona law, Commission Orders, and Commission Rules and Regulations.

...
...

FACTUAL BACKGROUND

1
2 4. The Commission approved a request for an increase in rates for Mount Tipton in
3 Decision No. 67162, dated August 11, 2004.

4 5. Mount Tipton has been authorized to charge the rates approved in Decision No.
5 67162 since September 1, 2004.

6 6. As part of Decision No. 67162, the Commission ordered Mount Tipton to comply
7 with a number of compliance related conditions within specified time periods. Certain of those
8 conditions were assigned due dates within the first two and a half months of the August 11, 2004
9 issuance of Decision No. 67262.

10 7. On December 10, 2004, approximately four months after the issuance of Decision
11 No. 67162, Staff of the Utilities Division filed a complaint (W-02105A-04-0880) against Mount
12 Tipton for failure to provide compliance items that Decision No. 67162 required to be produced
13 within the first two and one half months after the date of the decision.

14 8. This original complaint covered issues relating to the filing of the following:

- 15 • Revised rate schedules to the Commission.
- 16 • The notification to customers of rates.
- 17 • Certification that all standpipes have been secured and metered.
- 18 • The filing of an Off-Site Facilities Hook-Up Fee Tariff.
- 19 • Quarterly Hook-Up Fee reports.
- 20 • Provision of the Company general ledger.

21 The complaint remained open as the Company gradually complied with these particular items over
22 a period of months. Finally, on August 9, 2005, a procedural order was filed stating that the
23 Company had made the filings relating to the Complaint and the Complaint in W-02105A-04-0880
24 was dismissed.

25 9. In addition to the compliance requirements due within the first two and one half
26 months of the decision, Decision No. 67162 also included additional requirements with longer due
27 dates. As the original Complaint covered compliance items due within two and a half months of

1 the decision, these other Compliance requirements were not included as a part of the previously
2 filed formal complaint in W-02105A-04-0880.

3 10. The other compliance requirements from Decision No. 67162 not included in
4 W-02105A-04-0880 were:

- 5 • File quarterly reports on quantity of water pumped and sold each month with
6 the first report due within 120 days of the decision.
- 7 • Detailed cost analysis and explanation why water loss reduction to 10 percent
8 is not cost effective. (Due in 18 months if firm reduces its non-account water
9 below 15 percent but not below 10 percent.)
- 10 • Have a performance audit performed, evaluate its findings and seek appropriate
11 relief, if necessary.
- 12 • Quarterly reports on Hook-Up fee Account (Current quarter missing).

13 11. The lack of response to the requirement to provide quarterly reports on “water
14 pumped and water sold” is significantly problematic because these are the reports that Staff would
15 use to fulfill the portion of Decision No. 67162 which calls for the analysis of Mount Tipton’s
16 water loss condition. As outlined in Decision No. 67162, the Company’s water loss
17 requirements/reporting obligations hinge on the calculated water loss amount and whether it is
18 above or below 15 and 10 percent, respectively. The Company’s failure to comply with the
19 requirement to provide the quarterly reports has hindered performance of the water loss analysis
20 and reduction that the Commission ordered.

21 12. Without the required “water pumped and water sold” report, Staff attempted to
22 utilize information from the 2006 Utilities Division Annual Report to calculate the water loss
23 percentage. Staff found that the Company had not filed its 2006 Utilities Division Annual Report.
24 Staff then attempted to utilize information from the 2005 Utilities Division Annual Report but
25 found that the data was not reliable because the gallons listed for water sold were greater than the
26 gallons listed for water pumped in five of the twelve months that were reflected in the 2005
27 Annual Report. In summary, proper data is not available to compute the water loss percentage and
28 conduct the water loss analysis ordered in Decision No. 67162 using the 2005 annual report.

1 13. Other Compliance related issues with Commission rules or other decisions outside
2 of Decision No. 67162 include:

- 3 • Failure to provide the 2006 Utilities Division Annual Report.
- 4 • Failure to provide usable information in the 2005 Utilities Division Annual
5 Report.
- 6 • Failure to provide the 2006 annual report on Hook-Up Fees which is due each
7 July 15th per Decision No. 60988.

8 14. Mount Tipton has also failed to provide the appropriate monitoring and reporting
9 that would allow Arizona Department of Environmental Quality to determine if the system is
10 currently delivering water that meets water quality standards required by the Arizona
11 Administrative Code (A.A.C.). An August 30, 2007 ADEQ Drinking Water Compliance Report
12 shows the following under "Monitoring and Reporting Status":

13 This system has exceeded the MCL for total coliform in April 2007. The ADEQ
14 data base does not show that this water system has provided the calendar year 2005
15 and 2006, consumer confidence report; that the required 2005 and 2006 annual
16 nitrate analyses have been done at EPDS004; that the required 2nd, 3rd and 4th
17 quarter nitrate analyses have been done after exceeding a trigger for increased
18 nitrate monitoring at EPDS010 on 3-29-06; or that the required 2nd quarter nitrate
19 analyses have been done after exceeding a trigger for increased nitrate monitoring
20 on 2-3-04 and the 3rd, 4th quarter after exceeding a nitrate trigger on 2-15-06, at
21 EPDS002.

22 In addition to the above, a May 22, 2007 ADEQ Drinking Water Compliance Report showed that
23 the Company had previously exceeded the total coliform MCL in May 2006 and December 2006.
24 Mount Tipton has therefore incurred actual exceedances on ADEQ regulated contaminants in
25 addition to failing to provide the appropriate monitoring and reporting related to those
26 contaminants. These failures resulted in ADEQ listing the Company as having Major Deficiencies
27 in the Monitoring and Reporting Status which resulted in a Major Deficiencies classification for
28 Mount Tipton's Overall Compliance Status. Owing to these failures, ADEQ is unable to
determine that the Company is delivering safe water.

26 ...
27 ...
28 ...

COMPLAINT

Count One

(Violation of Decision No. 67162)

15. Staff incorporates the allegations of Paragraphs 1-14.

16. Decision No. 67162 required the Company to file quarterly reports on quantity of water pumped and sold each month with the first report due 120 days of the decision (December 10, 2004). Mount Tipton has failed to file these quarterly reports as outlined in Decision No. 67162. The failure to file the quarterly water pumped and water sold reports represents a violation of Decision No. 67162.

Count Two

(Violation of Decision No. 67162)

17. Staff incorporates the allegations of Paragraphs 1-16.

18. Decision No. 67162 required that the Company reduce its water loss to less than 10 percent within 18 months of the effective date of the Decision (August 10, 2004). Mount Tipton has failed to provide verification that the water loss has been reduced to less than 10 percent or that any water loss analysis has been completed. Mount Tipton's failure to provide verification that the water loss has been reduced to less than 10 percent or that any water loss analysis has been completed represents a violation of Decision No. 67162.

Count Three

(Violation of Decision No. 67162)

19. Staff incorporates the allegations of Paragraphs 1-18.

20. Decision No. 67162 required that, if after 18 months the Company finds that the water loss can only be reduced to less than 15 percent, but not less than 10 percent, the Company should be required to submit a detailed cost analysis and explanation why water loss reduction to less than 10 percent is not cost effective. Mount Tipton has not filed the detailed cost analysis or identified its water loss percentage as less than 10 percent to avoid making such filing. Mount Tipton's failure to file the detailed cost analysis or, in the alternative, to demonstrate that it has no

1 ongoing obligation due to achieving a water loss percentage of less than 10 percent, represents a
2 violation of Decision No. 67162.

3 **Count Four**

4 **(Violation of Decision No. 67162)**

5 21. Staff incorporates the allegations of Paragraphs 1-20.

6 22. Decision No. 67162 required that the Company submit quarterly reports on the
7 Hook-Up fee account by the fifteenth of the month after each calendar quarter. Mount Tipton has
8 failed to provide the quarterly Hook-Up fee report for the most recent quarter due July 15, 2007.
9 The failure to provide the most recent quarterly Hook-Up fee report represents a violation of
10 Decision No. 67162.

11 **Count Five**

12 **(Violation of Decision No. 66732 and 67162)**

13 23. Staff incorporates the allegations of Paragraphs 1-22.

14 24. Decision No. 67162 ordered that the requirement ordered by Decision No 66732
15 that Mount Tipton have a performance audit performed, evaluate its findings and seek appropriate
16 relief if necessary, shall remain in effect. Mount Tipton has failed to provide evidence that the
17 performance audit was performed, that the findings were evaluated and that that relief, if
18 necessary, was sought. The failure to provide any verification that the performance audit, the
19 evaluation or the relief was completed represents a violation of Decision No. 67162.

20 **Count Six**

21 **(Violation of A.R.S. § 40-221)**

22 25. Staff incorporates the allegations of Paragraphs 1-24.

23 26. Pursuant to A.R.S. § 40-221, the Commission is authorized to prescribe the record-
24 keeping methods and accounts of public service corporations. Mount Tipton's failure to maintain
25 its 2005 utility annual report as prescribed by the Commission and its failure to submit its 2006
26 utility annual report constitutes a violation of A.R.S. § 40-221.

27 ...

28 ...

Count Seven

(Violation of Commission Decision No. 60988)

27. Staff incorporates the allegations of Paragraphs 1-26.

28. Decision No. 60988 required that the Company submit an annual report on Hook-Up fees account which is due July 15th of each year. Mount Tipton has failed to provide the annual Hook-Up fee report for the most recent yearly period which was due July 15, 2007. The failure to provide the most recent annual Hook-Up fee report represents a violation of Decision No. 60988.

Count Eight

(Violation of A.A.C R14-2-407(C))

29. Staff incorporates the allegations of Paragraphs 1-28.

30. A.A.C. R-14-2-407 (C) requires that each utility shall make reasonable efforts to supply a satisfactory and continuous level of service. Based on a May 22, 2007 ADEQ Drinking Water Compliance Status Report, Mount Tipton has failed to provide the appropriate monitoring and reporting that would allow ADEQ to determine if the system is currently delivering water that meets water quality standards required by the Arizona Administrative Code. Mount Tipton's failure to provide this information precludes ADEQ from determining that the Company is presently delivering safe water. This represents a violation of the requirement that Mount Tipton provide a satisfactory and continuous level of service pursuant to A.A.C. R14-2-407(C).

RELIEF

31. Wherefore Staff requests that the Commission issue an **ORDER TO SHOW CAUSE** directing Mount Tipton to appear and show cause:

- a. why its actions do not represent a violation of Decision No. 67162;
- b. why its actions do not represent a violation of Decision No. 66732;
- c. why its actions do not represent a violation of A.R.S. § 40-221;
- d. why its actions do not represent a violation of Decision No. 60988;
- e. why its actions do not represent a violation of A.A.C. R14-2-407(C);

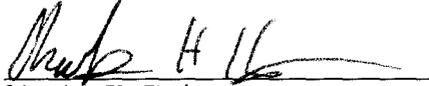
1 f. why other relief deemed appropriate by the Commission should not be
2 ordered.

3 32. Staff further requests that after the conclusion of appropriate proceedings, a final

4 **OPINION AND ORDER** be entered:

- 5 a. finding that Mount Tipton has violated Decision No. 67162;
6 b. finding that Mount Tipton has violated Decision No. 66732;
7 c. finding that Mount Tipton has violated A.R.S. § 40-221;
8 d. finding that Mount Tipton has violated Decision No. 60988;
9 e. finding that Mount Tipton has violated A.A.C. R14-2-407(C);
10 f. imposing fines and penalties pursuant to Article XV, Section 19 of the
11 Arizona Constitution and A.R.S. §§ 40-424 and 40-425 in an amount not
12 less than \$100 nor more than \$5,000 per count for Counts One through
13 Eight against Mount Tipton;
14 g. ordering such other relief as the Commission may find just and reasonable.

15 RESPECTFULLY SUBMITTED this 5th day of September, 2007.

16
17 
18 Charles H. Hains
19 Attorney, Legal Division
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007
23 (602) 542-3402

24
25 The original and thirteen (13) copies
26 of the foregoing were filed this
27 5th day of September, 2007 with:

28 Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Copy of the foregoing mailed this
2 5th day of September, 2007 to:

3 Mount Tipton Water Company, Inc.
4 P.O. Box 38
5 15695 Ironwood Drive
6 Dolan Springs, Arizona 86441

7 A handwritten signature in cursive script, appearing to read "Shirley B. ...", is written over a horizontal line. The signature is positioned between lines 6 and 7 of the document.

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BEFORE THE ARIZONA CORPORATION COMMISSION

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

IN THE MATTER OF THE COMMISSION ON ITS
OWN MOTION INVESTIGATING THE FAILURE
OF MOUNT TIPTON WATER COMPANY, INC.
TO COMPLY WITH COMMISSION RULES AND
REGULATIONS.

DOCKET NO. W-02105A-07-0510
ORDER TO SHOW CAUSE
DECISION NO. _____

**OPEN MEETING
SEPTEMBER 18 AND 19, 2007
PHOENIX, ARIZONA**

BY THE COMMISSION:

On August 31, 2007, the Staff of the Utilities Division ("Staff") of the Arizona Corporation Commission ("Commission"), filed a Complaint and Petition for Order to Show Cause against Mount Tipton Water Company, Inc. ("Mount Tipton" or "Company"), an Arizona Public Service Corporation. Staff seeks an Order to Show Cause against Respondent Mount Tipton.

Staff asserts that Mount Tipton has violated provisions of Arizona law, including Commission Rules, Orders and provisions of the Arizona Revised Statutes. Count One of Staff's Complaint alleges that Mount Tipton has failed to file quarterly reports on quantity of water pumped and sold each month since December 10, 2004 in violation of Decision No. 67162. Count Two of Staff's Complaint alleges that Mount Tipton has failed to provide verification that the water loss was reduced to less than 10 percent (or any water loss analysis was completed) in violation of Decision No. 67162. Count Three of Staff's Complaint alleges that Mount Tipton has failed to file a detailed cost analysis (or identified its water loss percentage as less than 10 percent to avoid making such filing) in violation of Decision No. 67162. Count Four of the Staff's Complaint alleges that Mount

1 Tipton failed to provide quarterly reports on a Hook-Up fee account by the fifteenth of each month
 2
 3 after each calendar quarter in violation of Decision No. 67162. Count Five of Staff's Complaint
 4 alleges that Mount Tipton has failed to provide evidence of having a performance audit performed,
 5 evaluating said audit and seeking appropriate relief, if necessary, all in violation of Decision No.
 6 66732 and Decision No. 67162. Count Six of the Staff's Complaint alleges that Mount Tipton has
 7 failed to maintain its 2005 utility annual report as prescribed by the Commission and has failed to
 8 submit its 2006 utility annual report in violation of A.R.S. § 40-221. Count Seven of Staff's
 9 Complaint alleges that Mount Tipton failed to submit the 2007 annual Hook-Up fee report (due each
 10 July 15th) in violation of Decision No. 60988. Count Eight of Staff's Complaint alleges that Mount
 11 Tipton has failed to provide a satisfactory and continuous level of service due to reporting violations
 12 and contaminant exceedances with ADEQ. Mount Tipton's failure to provide the reporting
 13 information precludes ADEQ from determining that the Company is delivering safe water. This
 14 represents a violation of the satisfactory and continuous level of service portion of A.A.C. R14-2-
 15 407(C).

16 * * * * *

17 Having considered the entire record herein and being fully advised in the premises, the
 18 Commission finds, concludes and orders that:

19 **FINDINGS OF FACT**

20 1. The Commission has jurisdiction to hear complaints against public service
 21 corporations pursuant to A.R.S. § 40-246. The Commission has jurisdiction to supervise and regulate
 22 public service corporations pursuant to Article XV of the Arizona Constitution and Title 40 of the
 23 Arizona Revised Statutes.

24 2. Respondent Mount Tipton Water Company (the "Company" or "Mount Tipton") is a
 25 public service corporation as defined by Article XV, § 2 of the Arizona Constitution and A.R.S. §§
 26 40-281 and 40-282.

27 3. Pursuant to Decision No. 40644, issued May 25, 1970, Mount Tipton received a
 28 Certificate of Convenience and Necessity ("CC&N") to provide water service in Mohave County. As

1 a condition of its CC&N, Mount Tipton is required to comply with Arizona law, Commission Orders,
2 and Commission Rules and Regulations.

3 4. The Commission approved a request for an increase in rates for Mount Tipton in
4 Decision No. 67162, dated August 11, 2004.

5 5. Mount Tipton has been authorized to charge the rates approved in Decision No. 67162
6 since September 1, 2004.

7 6. As part of Decision No. 67162, the Commission ordered Mount Tipton to comply with
8 a number of compliance related conditions within specified time periods. Certain of those conditions
9 were assigned due dates within the first two and one half months of the August 11, 2004 issuance of
10 Decision No. 67262.

11 7. On December 10, 2004, approximately four months after the issuance of Decision
12 No. 67162, Staff of the Utilities Division filed a complaint (W-02105A-04-0880) against Mount
13 Tipton for failure to provide compliance items that Decision No. 67162 required to be produced
14 within the first two and one half months after the date of the decision.

15 8. This original complaint covered issues relating to the filing of the following:

- 16
- 17 • Revised rate schedules to the Commission.
 - 18 • The notification to customers of rates.
 - 19 • Certification that all standpipes have been secured and metered.
 - 20 • The filing of an Off-Site Facilities Hook-Up Fee Tariff.
 - 21 • Quarterly Hook-Up Fee reports.
 - 22 • Provision of the Company general ledger.

23 The complaint remained open as the Company gradually complied with these particular items over a
24 period of months. Finally, on August 9, 2005, a procedural order was filed stating that the Company
25 had made the filings relating to the Complaint and the Complaint in W-02105A-04-0880 was
26 dismissed.

27 9. In addition to the compliance requirements due within the first two and one half
28 months of the decision, Decision No. 67162 also included additional requirements with longer due
29 dates. As the original Complaint covered compliance items due within two and a half months of the

1 decision, these other Compliance requirements were not included as a part of the previously filed
2 formal complaint in W-02105A-04-0880.

3 10. The other compliance requirements from Decision No. 67162 not included in
4 W-02105A-04-0880 were:

- 5 • File quarterly reports on quantity of water pumped and sold each month with the
6 first report due within 120 days of the decision.
- 7 • Detailed cost analysis and explanation why water loss reduction to 10 percent is
8 not cost effective. (Due in 18 months if firm reduces its non-account water below
9 15 percent but not below 10 percent.)
- 10 • Have a performance audit performed, evaluate its findings and seek appropriate
11 relief, if necessary.
- 12 • Quarterly reports on Hook-Up fee Account (Current quarter missing).

13 11. The lack of response to the requirement to provide quarterly reports on “water pumped
14 and water sold” is significantly problematic because these are the reports that Staff would use to
15 fulfill the portion of Decision No. 67162 which calls for the analysis of Mount Tipton’s water loss
16 condition. As outlined in Decision No. 67162, the Company’s water loss requirements/reporting
17 obligations hinge on the calculated water loss amount and whether it is above or below 15 and 10
18 percent, respectively. The Company’s failure to comply with the requirement to provide the
19 quarterly reports has hindered performance of the water loss analysis and reduction that the
20 Commission ordered.

21 12. Without the required “water pumped and water sold” report, Staff attempted to utilize
22 information from the 2006 Utilities Division Annual Report to calculate the water loss percentage.
23 Staff found that the Company had not filed its 2006 Utilities Division Annual Report. Staff then
24 attempted to utilize information from the 2005 Utilities Division Annual Report but found that the
25 data was not reliable because the gallons listed for water sold were greater than the gallons listed for
26 water pumped in five of the twelve months that were reflected in the 2005 Annual Report. In
27 summary, proper data is not available to compute the water loss percentage and conduct the water
28 loss analysis ordered in Decision No. 67162 using the 2005 annual report.

1 13. Other Compliance related issues with Commission rules or other decisions outside of
2 Decision No. 67162 include:

- 3 • Failure to provide the 2006 Utilities Division Annual Report.
- 4 • Failure to provide usable information in the 2005 Utilities Division Annual
5 Report.
- 6 • Failure to provide the 2006 annual report on Hook-Up Fees which is due each
7 July 15th per Decision No. 60988.

8 14. Mount Tipton has also failed to provide the appropriate monitoring and reporting that
9 would allow Arizona Department of Environmental Quality to determine if the system is currently
10 delivering water that meets water quality standards required by the Arizona Administrative Code
11 (A.A.C.). An August 30, 2007 ADEQ Drinking Water Compliance Report shows the following
12 under "Monitoring and Reporting Status":

13 This system has exceeded the MCL for total coliform in April 2007. The ADEQ data
14 base does not show that this water system has provided the calendar year 2005 and
15 2006, consumer confidence report; that the required 2005 and 2006 annual nitrate
16 analyses have been done at EPDS004; that the required 2nd, 3rd and 4th quarter nitrate
17 analyses have been done after exceeding a trigger for increased nitrate monitoring at
EPDS010 on 3-29-06; or that the required 2nd quarter nitrate analyses have been done
after exceeding a trigger for increased nitrate monitoring on 2-3-04 and the 3rd, 4th
quarter after exceeding a nitrate trigger on 2-15-06, at EPDS002.

18 In addition to the above, a May 22, 2007 ADEQ Drinking Water Compliance Report showed that the
19 Company had previously exceeded the total coliform MCL in May 2006 and December 2006. Mount
20 Tipton has therefore incurred actual exceedances on ADEQ regulated contaminants in addition to
21 failing to provide the appropriate monitoring and reporting related to those contaminants. These
22 failures resulted in ADEQ listing the Company as having Major Deficiencies in the Monitoring and
23 Reporting Status which resulted in a Major Deficiencies classification for Mount Tipton's Overall
24 Compliance Status. Owing to these failures, ADEQ is unable to determine that the Company is
25 delivering safe water.

26 15. Staff requests that the Commission issue an Order to Show Cause directing Mount
27 Tipton to appear and show cause:

- 28 a. why its actions do not represent a violation of Decision No. 67162;

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

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CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2007.

DEAN S. MILLER
Interim Executive Director

DISSENT: _____

DISSENT: _____

EGJ:BKB:lm

1 SERVICE LIST FOR: Mount Tipton Water Company, Inc.
2 Docket Nos. W-02105A-

3 The original and thirteen (13) copies
4 of the foregoing were filed this
4th day of September, 2007 with:

5 Docket Control
6 Arizona Corporation Commission
1200 West Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing mailed this
4th day of September, 2007 to:

9 Mount Tipton Water Company, Inc.
P.O. Box 38
10 15695 Ironwood Drive
Dolan Springs, Arizona 86441

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