

ORIGINAL



0000076570

BEFORE THE ARIZONA CORPORATION

57

RECEIVED

COMMISSIONERS

MIKE GLEASON, Chairman 2007 AUG 31 P 1:51
 WILLIAM A. MUNDELL
 JEFF HATCH-MILLER AZ CORP COMMISSION
 KRISTIN K. MAYES DOCKET CONTROL
 GARY PIERCE

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

Docket No. SW-20422A-05-0659

**NOTICE OF FILING VERIFICATION
OF MARICOPA COUNTY FRANCHISE**

Hassayampa Utility Company, Inc. ("Hassayampa") received its Certificate of Convenience and Necessity from the Commission in Decision No. 68922 (August 29, 2006). The decision requires Hassayampa to file within one year of the decision, a copy of Hassayampa's Maricopa County franchise. Hassayampa timely obtained a franchise from Maricopa County, which was approved by the Board of Supervisors on December 20, 2006. However, the franchise contained a condition (Condition No. 11) that required Hassayampa to submit a Certificate of Assured Water Supply ("CAWS") within six months. Because Hassayampa is a wastewater utility, this condition does not make sense, and appears to be an administrative error. Thus, there was some uncertainty regarding the status of the franchise. Hassayampa sought clarification from the office of the clerk to the board of supervisors regarding the status of the franchise. That office indicates that Maricopa County does not consider the franchise null and void. An email to that effect from Ms. Lori Pacini, Deputy Clerk to the Board of Supervisors, is attached as Exhibit 1. Accordingly, the franchise remains in effect. Therefore, Hassayampa met the franchise requirement of Decision No. 68922. Hassayampa will continue to pursue an amended franchise formally removing the CAWS condition.

Arizona Corporation Commission

DOCKETED

AUG 31 2007

DOCKETED BY

nr

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

RESPECTFULLY SUBMITTED this 31st day of August 2007.

ROSHKA DEWULF & PATTEN, PLC

By 

Michael W. Patten
Timothy J. Sabo
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Original + 13 copies of the foregoing
filed this 31st day of August 2007, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

Copies of the foregoing hand-delivered/mailed
this 31st day of August 2007, to:

Lyn A. Farmer, Esq.
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Christopher C. Kempley, Esq.
Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Ernest G. Johnson, Esq.
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007



EXHIBIT

"1"

Tim Sabo

From: Robin Bain [Robin.Bain@gwresources.com]
Sent: Thursday, August 30, 2007 11:35 PM
To: Tim Sabo
Subject: FW: Request for extension of time for two Franchises

From: Lori Pacini - COBX [mailto:pacinil@mail.maricopa.gov]
Sent: Thursday, August 30, 2007 4:03 PM
To: Robin Bain
Cc: Lupe Lerma - COBX
Subject: RE: Request for extension of time for two Franchises

Robin,

From the county's perspective, we are not considering the franchise null and void if the Certificate of Assured Water Supply is not received. If the franchisee would like the Board to reconsider the franchise application with the Certificate of Assured Water Supply removed, the franchisee can certainly request that and we will place it on the Board's agenda.

Thanks.

Lori Pacini
Deputy Clerk of the Board
Maricopa County
602-506-7069
pacinil@mail.maricopa.gov

From: Robin Bain [mailto:Robin.Bain@gwresources.com]
Sent: Sunday, August 26, 2007 5:12 PM
To: Lori Pacini - COBX
Cc: Lupe Lerma - COBX
Subject: RE: Request for extension of time for two Franchises

Lori

Thank you for your efforts on the HUC county franchise for sewer infrastructure. As you know, it is not feasible for a sewer company to receive a Certificate of Assured Water Supply. While I appreciate that the actual wording in the franchise may need to go to the BoS for re-issuance on 3 October, I am assuming that in the mean time, the actual franchise remains valid where we have obtained a CC&N.

Please let me know if I am mistaken in this assumption.

Robin E. Bain, P.E., DEE
Regulatory Affairs
Global Water
21410 N. 19th Ave. Suite 201
Phoenix, AZ 85027
623-580-9600
623-217-7202 (cell)
623-518-4013(fax)

8/31/2007

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

From: Robin Bain
Sent: Thursday, August 09, 2007 4:01 PM
To: 'Lupe Lerma - COBX'
Cc: Lori Pacini - COBX
Subject: RE: Request for extension of time for two Franchises

Thank you so much. So is it at the public hearing where the Board will vote to approve?

Robin E. Bain, P.E., DEE
Regulatory Affairs
Global Water
21410 N. 19th Ave. Suite 201
Phoenix, AZ 85027
623-580-9600
623-217-7202 (cell)
623-518-4013(fax)

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

From: Lupe Lerma - COBX [mailto:lernal@mail.maricopa.gov]
Sent: Thursday, August 09, 2007 3:55 PM
To: Robin Bain
Cc: Lori Pacini - COBX; Lupe Lerma - COBX
Subject: FW: Request for extension of time for two Franchises

Robin: Lori has asked me to respond to your email.

This is a two-step process. Your requests for extension and removal of the CAWS requirement for Hassayampa Utility Company and Water Utility of Greater Tonopah will be placed on the 9/5 Formal Agenda. At that time, the Board of Supervisors will set these matters for Public Hearing. Our administrative procedure involves a thorough review of the requests and also publication of a "Public Notice" in the official newspaper of Maricopa County. So considering the time it takes to review these requests and to publish the Notice in the newspaper, the Public Hearing will most likely be scheduled for October 3, 2007.

Please feel free to contact me directly should you have any further questions about the agenda or the handling of this matter.

Lupe Lerma
Asst. Deputy Clerk of the Board
602-372-1316

From: Robin Bain [mailto:Robin.Bain@gwresources.com]
Sent: Wednesday, August 08, 2007 8:27 PM
To: Lori Pacini - COBX

Subject: RE: Request for extension of time for two Franchises

Thank you for the information. When might we expect to get on the BoS agenda?

Robin E. Bain, P.E., DEE
Regulatory Affairs
Global Water
21410 N. 19th Ave. Suite 201
Phoenix, AZ 85027
623-580-9600
623-217-7202 (cell)
623-518-4013(fax)

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

From: Lori Pacini - COBX [mailto:pacinil@mail.maricopa.gov]
Sent: Wednesday, August 08, 2007 3:42 PM
To: Robin Bain
Subject: RE: Request for extension of time for two Franchises

Robin,

I spoke with my legal department and since it took a Board action to include the CAWS requirement, it will take a Board action to delete it. There are no administrative-type resolutions for this issue. Sorry.

Lori

Lori Pacini
Deputy Clerk of the Board
Maricopa County
602-506-7069
pacinil@mail.maricopa.gov

From: Robin Bain [mailto:Robin.Bain@gwresources.com]
Sent: Wednesday, August 08, 2007 2:38 PM
To: Lori Pacini - COBX
Cc: Graham Symmonds
Subject: FW: Request for extension of time for two Franchises

Lori

Regarding the elimination of the CAWS requirement for a sewer franchise (HUC), can we please discuss this with you "in person" to explore the possibility of an expedient administrative-type resolution on this? We would be pleased to come to your offices to do so. Thank you

Robin E. Bain, P.E., DEE
Regulatory Affairs
Global Water
21410 N. 19th Ave. Suite 201
Phoenix, AZ 85027

623-580-9600
623-217-7202 (cell)
623-518-4013(fax)

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

From: Robin Bain
Sent: Tuesday, August 07, 2007 2:34 PM
To: 'Lori Pacini - COBX'
Cc: Graham Symmonds; Denise Sievwright; 'Tim Sabo'
Subject: Request for extension of time for two Franchises

Lori

Attached please find letters that request and justify time extensions and removal of the CAWS conditions for both Hassayampa Utility Company and Water Utility of Greater Tonopah, whose Franchises were approved on December 20, 2006. The originals are on their way by certified mail. Once you have had a chance to review, I would appreciate some feedback on the process for their approval. Thanks so much.

Robin E. Bain, P.E., DEE
Regulatory Affairs
Global Water
21410 N. 19th Ave. Suite 201
Phoenix, AZ 85027
623-580-9600
623-217-7202 (cell)
623-518-4013(fax)

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

8/31/2007