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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY TO
ADJUST THE CERTIFICATE OF CONVENIENCE
AND NECESSITY BOUNDARIES FOR ITS
MOHAVE WATER DISTRICT.

DOCKET NO. W-01303A-07-0498

DOCKETED

STAFF'S RESPONSE TO ARIZONA -
AMERICAN WATER COMPANY
APPLICATION TO ADJUST CC&N
BOUNDARY *NUNC PRO TUNC*

SEP 19 2007

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On August 29, 2007, Arizona American Water Company ("Arizona American" or Company) filed an application with the Arizona Corporation Commission ("Commission") under A.R.S. § 40-252. The application seeks to adjust the Certificate of Convenience and Necessity ("CC & N") boundary for its Mohave Water District *Nunc Pro Tunc*. Arizona Water explains that the basis of the application is an inadvertent exclusion of 160 acres that were intended to be included in the original decision granting a CC & N.

DISCUSSION

Arizona American's Mohave Water District serves large portions of Mohave County with water. Prior to beginning service to a 90 acre portion of a quarter section parcel consisting of 160 acres located at the east central quarter of section 22, Township 19 North, Range 22 West, in Mohave County, Arizona American indicates that it identified a discrepancy in its property records in comparison to Commission records regarding the area. A CC & N was originally granted for this parcel on January 27, 1966 in Decision No. 38330 for the Camp Mohave Water Company to serve "The East Half of Section 22 and the East Half of Section 23, Township 19 North, Range 22 West, [Illegible], Mohave County, Arizona."

Camp Mohave Water Company's CC & N was transferred to United Utilities by Decision No. 40702 on June 22, 1970. United Utilities' CC & N was then transferred to Citizens Utilities in

1 Decision No. 41557 on August 16, 1971. Arizona American obtained the CC & N when the
2 Commission approved Citizens Utilities' transfer of CC & N to the Company in Decision No.
3 63594 on April 14, 2001.

4 Several unique factors affect determination of boundaries in the portion of Mohave County
5 where the CC & N is located. First is the presence of a river that has shifted course over the years.
6 Second is the presence of the Fort Mohave Indian Reservation ("FMIR") which has never been
7 surveyed. Finally, Commission maps used in the period were initially drawn as squared sections.
8 Owing to all of these factors, the legal description provided in Decision No. 38330 has come into
9 question.

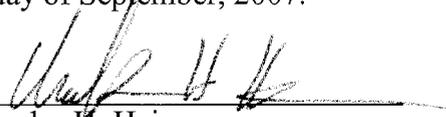
10 The original Decision issuing the CC & N was recorded as certifying the eastern half of
11 Section 22 as though Section 22 were a full 640 acre section. Thus the western edge of the CC &
12 N was the same boundary as the eastern edge of the FMIR. Mohave County maps acquired by
13 Staff show that Section 22 is not treated as a full section as was originally thought, however.
14 Rather, only the area between the FMIR boundary and the eastern edge of Section 22 constitute the
15 entirety of Section 22. Consequently, the Commission maps were redrawn to show the section as
16 irregular and the certificated boundaries were changed to conform accordingly. Thus, it could be
17 considered that Arizona American is presently certificated to serve only half the area between the
18 FMIR and the east side of Section 22.

19 Staff believes that, owing to the way in which Commission maps were drawn at the time,
20 the intent of Decision No. 38330 was to certificate up to the FMIR boundary. Additionally, in
21 contemplation of serving territory it believed already within its CC & N, Arizona American has
22 already placed facilities in the uncertificated area between the FMIR and its certificated area in
23 Section 22. Further, Arizona American has a present request for service for at least 90 acres of the
24 160 acres within the west half of the east 320 acres.

25 Staff does not believe that there are any disputed or unresolved factual issues in this matter.
26 Staff agrees with the Company that the record exclusion of the west 160 acre portion of Section 22
27 was inadvertent and inconsistent with the clear written intent of the decision. Due to the clerical
28 nature of the mistake, the Company's proposed *Nunc Pro Tunc* relief is appropriate.

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RESPECTFULLY SUBMITTED this 19th day of September, 2007.



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The original and thirteen (13) copies
of the foregoing were filed this
19th day of September, 2007 with:

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