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MEMORANDUM

TO: Docket Control

FROM: Ernest G. Johnson  
*for* Director  
Utilities Division

DATE: October 22, 2007

RE: STAFF RESPONSE TO THE AFFIDAVIT OF DIVERSIFIED WATER UTILITIES, INC. REGARDING TURF AND EFFLUENT AS REQUIRED BY A PROCEDURAL ORDER ISSUED OCTOBER 11, 2007  
DOCKET NO. W-02859A-04-0844

On July 30, 2007, an evidentiary hearing was held on the application of Diversified Water Utilities, Inc. ("Diversified") for approval to extend its Certificate of Convenience and Necessity. During the hearing, Diversified was questioned by the Administrative Law Judge about plans for landscaping and irrigation of the common areas. On September 21, 2007, Diversified filed an Affidavit Regarding Turf and Effluent which set forth the property owner's plans for landscaping.

On October 11, 2007, the Administrative Law Judge issued a Procedural Order which required Staff to file a response to Diversified's Affidavit "with any appropriate recommendations".

Staff has reviewed the Affidavit. In Paragraph 6 of the Affidavit, Diversified and the landowner set forth their opposition to the adoption by the Commission of a requirement mandating effluent use and set forth the reasons why they believe such a requirement should not be adopted. Staff does not have a position on the arguments set forth in this paragraph.

Paragraph 7 of the Affidavit sets forth a condition related to turf and the use of groundwater which Diversified finds acceptable. Staff has reviewed this condition and if the Commission accepts Paragraph 6 of the Affidavit, it is Staff's opinion that Paragraph 7 is acceptable.

EGJ:LAJ:kdh

Originator: Linda Jaress

Arizona Corporation Commission

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Docket No. W-02859A-04-0844

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