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ORIGINAL BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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7
8 IN THE MATTER OF THE APPLICATION OF
9 CHAPARRAL CITY WATER COMPANY,
10 INC., AN ARIZONA CORPORATION, FOR A
11 DETERMINATION OF THE FAIR VALUE OF
12 ITS UTILITY PLANT AND PROPERTY AND
13 FOR INCREASES IN ITS RATES AND
14 CHARGES FOR UTILITY SERVICE BASED
15 THEREON.

Docket No. W-02113A-07-0551

Arizona Corporation Commission

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RUCO'S OPPOSITION TO THE COMPANY'S IMPLEMENTATION OF INTERIM RATES AND MOTION TO PROHIBIT THE COMPANY FROM IMPLEMENTING INTERIM RATES

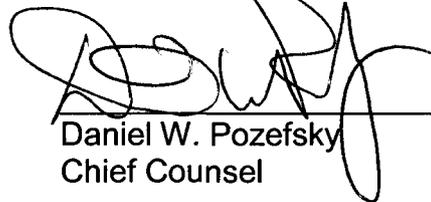
14 The Residential Utility Consumer Office ("RUCO") responds to the Company's notice of
15 its intent to implement interim rates pursuant to A.R.S. § 40-256. RUCO opposes the
16 Company's implementation of interim rates as the requisite time period required for the
17 implementation of interim rates under A.R.S. § 40-256 has not passed.

18 A.R.S. § 40-256(A)(1) provides that the Commission has 270 days after a class 1
19 utility's rate filing has been determined to be sufficient to issue its final decision. A.R.S. § 40-
20 256(E) provides that if a decision is not issued within the 270 days, the Commission "shall
21 provide that the utility may implement" rates on an interim basis, subject to refund pending a
22 final decision. The Company's rate filing was determined sufficient on October 26, 2007. On
23 January 22, 2008, the Commission issued a procedural order suspending the time clock
24 pursuant to A.A.C. R14-2-103(B)(11)(g) and A.A.C. R14-2-103(B)(11)(e)(ii). The Commission

1 further ordered that the time clock "shall be reset to continue as soon as practicable following
2 the Commission's final order in Docket No. W-02113A-04-0616, a pending matter in which the
3 rates of Chaparral City Water Company, Inc. are also being considered." On January 24,
4 2008, the Company moved for reconsideration of the Commission's January 22, 2008 order.
5 The Commission did not grant the Company's motion and the Company did not seek further
6 relief.

7 On June 30, 2008 the Administrative Law Judge issued her recommended
8 opinion and order in Docket No. W-02113A-04-0616. To date there has been no final order in
9 Docket No. W-02113A-04-0616. Accordingly, the relevant time period under A.R.S. § 40-256
10 has not run, and the implementation of interim rates would not only be premature but illegal
11 under the facts and circumstances of this case. RUCO objects to the implementation of
12 interim rates at this time and requests the Commission issue an order prohibiting the Company
13 from implementing interim rates at this time.

14 RESPECTFULLY SUBMITTED this 8th day of July 2008.

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Daniel W. Pozefsky
Chief Counsel

19 AN ORIGINAL AND THIRTEEN COPIES
20 of the foregoing filed this 8th day
of July 2008 with:

21 Docket Control
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24 COPIES of the foregoing hand delivered/
mailed this 8th day of July 2008 to:

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