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**BEFORE THE ARIZONA CORPORATION C**

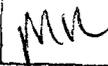
Arizona Corporation Commission

**COMMISSIONERS**

**DOCKETED**

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

DEC - 4 2007

DOCKETED BY 

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

DECISION NO. 70053

**ORDER CORRECTING CC&N  
BOUNDARIES**

**Open Meeting  
November 27 and 28, 2007  
Phoenix Arizona**

**FINDINGS OF FACT**

**Introduction**

1. On August 29, 2007, Arizona-American Water Company ("Arizona American") filed an application with the Arizona Corporation Commission ("Commission") under 14 A.R.S. § 40-252. The application sought to adjust the Certificate of Convenience and Necessity ("CC&N") boundary for its Mohave Water District Nunc Pro Tunc. Arizona-American explained that the basis of the application was an inadvertent exclusion of 160 acres that were intended to be included in the original decision granting a CC&N.

2. On September 19, 2007, the Commission's Utilities Division ("Staff") filed a response to Arizona-American's application. Staff supported the application, agreeing that record exclusion of the 160 acres was inadvertent and inconsistent with the clear written intent of the decision.

**Discussion**

3. Arizona-American's Mohave Water District serves large portions of Mohave County with water, including the parcel at issue in its application. A CC&N was originally granted for this parcel on January 27, 1966, in Decision No. 38330 for the Camp Mohave Water

1 Company to serve "The East Half of Section 22 and the East Half of Section 23, Township 19  
2 North, Range 22 West, [Illegible], Mohave County, Arizona." Camp Mohave Water Company's  
3 CC&N was transferred to United Utilities by Decision No. 40702 on June 22, 1970. United  
4 Utilities' CC&N was then transferred to Citizens Utilities in Decision No. 41557 on August 16,  
5 1971. Arizona-American obtained the CC&N when the Commission approved Citizens Utilities'  
6 transfer of CC&N to Arizona-American in Decision No. 63594 on April 14, 2001.

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

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

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

28 7. There do not appear to be any disputed or unresolved factual issues in this matter.

CONCLUSIONS OF LAW

1  
2 1. Arizona American Water Company is a public service corporation within the  
3 meaning of Article XV of the Arizona Constitution and A.R.S. § 40-281 *et seq.*

4 2. The Commission has jurisdiction over the subject matter of the application.

5 3. The Commission, having reviewed the application and Staff's response, concludes  
6 that it is in the public interest to amend Decision No. 38330 to include the entire Section 22, as  
7 originally contemplated.

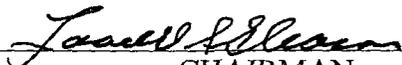
8 ORDER

9 IT IS THEREFORE ORDERED that the Commission's CC&N map boundaries for  
10 Arizona-American's Mohave Water District be corrected to include the entire 320 acres of Section  
11 22 of Township 19 North, Range 22 West.

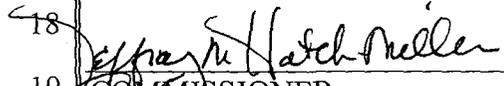
12 IT IS FURTHER ORDERED that, in all other respects, Decision No. 38330 shall remain in  
13 full force and effect.

14 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

15 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

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CHAIRMAN

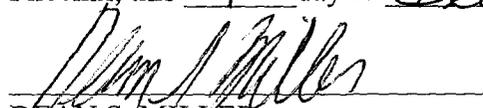
  
\_\_\_\_\_ COMMISSIONER

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19 \_\_\_\_\_ COMMISSIONER

  
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20 IN WITNESS WHEREOF, I DEAN S. MILLER, Interim  
21 Executive Director of the Arizona Corporation Commission,  
22 have hereunto, set my hand and caused the official seal of  
23 this Commission to be affixed at the Capitol, in the City of  
24 Phoenix, this 4<sup>th</sup> day of December, 2007.

  
25 \_\_\_\_\_  
DEAN S. MILLER  
Interim Executive Director

26 DISSENT \_\_\_\_\_

27 DISSENT \_\_\_\_\_

28 EGJ:CHH:sab

1 SERVICE LIST FOR: Arizona-American Water Company  
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