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BEFORE THE ARIZONA CORPORATION COMMISSION

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2008 JAN 10 P 2:54

Arizona Corporation Commission

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AZ CORP COMMISSION  
DOCKET CONTROL

JAN 10 2008

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IN THE MATTER OF RULEMAKING TO	)	DOCKET NOS.
AMEND EXISTING RULES AND/OR	)	
ESTABLISH NEW RULES REGARDING	)	RW-00000B-07-0051
THE COMMISSION'S REQUIREMENTS FOR	)	RWS-00000A-07-0051
APPLICATIONS REQUESTING APPROVAL	)	
TO OBTAIN A NEW CERTIFICATE OF	)	
CONVENIENCE AND NECESSITY OR	)	COMMENTS OF THE
EXTEND AN EXISTING CERTIFICATE OF	)	CITY OF SURPRISE
CONVENIENCE AND NECESSITY FOR	)	
WATER AND SEWER UTILITIES	)	

The City of Surprise (the "City") submits these comments in response to Lori Miller's January 3, 2008 email, inviting comments on the recommended order, containing proposed changes to the existing water and sewer rules (the "Proposed Rules"), submitted to the Commission by Staff on January 2, 2008. The City provides water and sewer services within its General Planning Area ("Surprise GPA"). Within the Surprise GPA, a limited number of public service corporations provide water service. The Proposed Rules impact those companies and their services.

The City generally supports the Proposed Rules. However, the City asks the Commission to adopt one limited revision, designed to facilitate communication between the Commission, applicants, and those municipalities most likely to be affected by the

outcome of a pending application. The City's proposed revision could be made prior to, or following, publication of the Proposed Rules in the Arizona Register without creating a substantially different rule within the meaning of A.R.S. § 41-1025.

**REQUIRE NOTICE OF APPLICATION TO ANY  
MUNICIPALITY WITHIN FIVE MILES OF THE AREA UNDER APPLICATION**

The City asks that the Proposed Rules be revised to create a new subsection between R14-2-402(B)(2)(m) and (n) and to add a subsection R14-2-602(B)(n)<sup>1</sup>. This addition would read as follows (new text bolded and underlined):

(2) Each application for a new certificate of convenience and necessity or extension of a certificate of convenience and necessity should be submitted in a form and number prescribed by the Commission and shall include as a minimum the following information:

...

**(n) A copy of the applicant's notice of the application to the Water Services Department of any city or town within five miles (based on the most current corporate boundaries) of the area under application or, where the city or town lacks a Water Services Department, to the city or town clerk;**

This additional notice requirement will ensure that interested municipalities promptly learn of all applications and are well positioned to provide the Commission with any relevant information concerning the area to be served. This requirement would not place any undue burden on applicants, as the Proposed Rules already require identification on a map, submitted with the application, of the "corporate limits of any city or town that cross or are within five miles of the area under application." (Proposed Rules at R14-2-402(B)(j)(iv) and R14-2-602(B)(k)(iv).)

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<sup>1</sup> The Proposed Rules currently include sections 602(B)(2)(m) and 602(B)(2)(o), but no section 602(B)(2)(n).

Dated this 10<sup>th</sup> day of January, 2008.

OSBORN MALEDON, P.A.

By 

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Original and thirteen (13) copies of  
the foregoing were filed this 10<sup>th</sup> day of  
January, 2008 with:

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