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2008 APR 29 P 4: 36

AZ CORP COMMISSION Arizona Corporation Commission
DOCKET CONTROL DOCKETED

APR 29 2008

DOCKETED BY

6 Attorneys for Northern Sunrise Water Company
and Southern Sunrise Water Company

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8
9 IN THE MATTER OF THE APPLICATION OF
10 NORTHERN SUNRISE WATER COMPANY FOR A
11 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20453A-06-0247

12 IN THE MATTER OF THE APPLICATION OF
13 SOUTHERN SUNRISE WATER COMPANY FOR A
14 CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN COCHISE COUNTY, ARIZONA.

DOCKET NO. W-20454A-06-0248

15 IN THE MATTER OF THE JOINT APPLICATION
16 OF NORTHERN SUNRISE WATER COMPANY
17 AND SOUTHERN SUNRISE WATER COMPANY
18 FOR THE APPROVAL OF SALE AND TRANSFER
19 OF WATER UTILITY ASSETS, AND
20 CANCELLATION OF CERTIFICATES OF
21 CONVENIENCE AND NECESSITY, FOR
22 MIRACLE VALLEY WATER COMPANY,
COCHISE WATER COMPANY, HORSESHOE
RANCH WATER COMPANY, CRYSTAL WATER
COMPANY, MUSTANG WATER COMPANY,
CORONADO ESTATES WATER COMPANY, AND
SIERRA SUNSET WATER COMPANY, LOCATED
IN COCHISE COUNTY, ARIZONA.

DOCKET NOS. W-20453A-06-0251
W-20454A-06-0251
W-01646A-06-0251
W-01868A-06-0251
W-02235A-06-0251
W-02316A-06-0251
W-02230A-06-0251
W-01629A-06-0251
W-02240A-06-0251

**NOTICE OF FILING PROOF OF
PUBLICATION AND MAILING**

23 Pursuant to the Procedural Order dated February 29, 2008 ("Order"), Northern Sunrise
24 Water Company and Southern Sunrise Water Company ("Applicants") hereby submit this Notice
25 of Filing Proof of Publication and Mailing in the above-captioned matter.
26

1 On April 17, 2008, notice regarding the July 8, 2008 hearing on Applicants' request to
2 extend their Certificates of Convenience and Necessity ("Notice") was published in the *Sierra*
3 *Vista Herald* and the *Bisbee Daily Review*. The affidavit of Pamela M. McElroy, Agent to the
4 Publisher of the *Sierra Vista Herald* and the *Bisbee Daily Review*, is attached hereto as Exhibit A.

5 On April 18, 2008, Applicants sent, via first class U.S. mail, a copy of the Notice to
6 property owners within the requested extension area, and a copy of the Order to the appropriate
7 public service corporations. See Affidavit of James W. Humble attached hereto as Exhibit B.

8 After the mailing was complete, Applicants discovered that the Notice should have been
9 sent via certified mail. Additionally, on or about April 22, 2008, Staff contacted Applicants and
10 requested that the Notice provide a toll free phone number for interested parties to call.
11 Applicants modified the Notice per Staff's request ("Amended Notice" attached hereto as
12 Exhibit C), and on April 24, 2008 sent it again to all property owners, this time via certified mail.
13 See Exhibit B. Applicants have no opposition if the deadline for intervention were to be extended
14 accordingly.

15 DATED this 29th day of April, 2008.

16 FENNEMORE CRAIG, P.C.

17
18 By: Ann D. Jan

19 600 Jay L. Shapiro
20 Patrick J. Black
21 Suite 2600
22 3003 North Central Avenue
23 Phoenix, Arizona 85012
24 Attorneys for Northern Sunrise Water Company
25 and Southern Sunrise Water Company
26

1 **ORIGINAL and 17 copies filed**
2 this 29th day of April, 2008 to:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

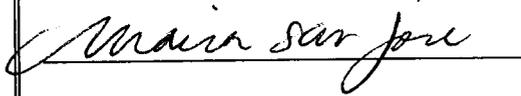
7 **Copy sent via e-mail and U.S. mail**
8 this 29th day of April, 2008 to:

9 Jane L. Rodda, ALJ
10 Hearing Division
11 Arizona Corporation Commission
12 400 W. Congress St.
13 Tucson, AZ 85701

14 **Copy hand delivered**
15 this 29th day of April, 2008 to:

16 Christopher Kempley, Chief Legal Counsel
17 Legal Division
18 Arizona Corporation Commission
19 1200 W. Washington St.
20 Phoenix, AZ 85007

21 Kevin Torrey
22 Legal Division
23 Arizona Corporation Commission
24 1200 W. Washington St.
25 Phoenix, AZ 85007

26 
2057778.1/20898.001

c.

EXHIBIT

A

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA)
)
) ss.
COUNTY OF COCHISE)

PAMELA M MCELROY

Pamela M McElroy being first
duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the
SIERRA VISTA HERALD and the BISBEE DAILY REVIEW newspapers printed and
published six days a week in the County of Cochise, State of Arizona, and of general
circulation in the cities of Sierra Vista and Bisbee, County of Cochise, State of Arizona
and elsewhere, and hereto attached

PUBLIC NOTICE

PUBLIC NOTICE OF HEARING
ON APPLICATION BY
NORTHERN SUNRISE WATER
COMPANY AND
SOUTHERN SUNRISE WATER
COMPANY FOR
EXTENSION OF THEIR
CERTIFICATES OF
CONVENIENCE AND
NECESSITY

DOCKET NO. W-20453A-06-
0247

DOCKET NO. W-20454A-06-
0248

On January 2, 2008, Northern
Sunrise Water Company and
Southern Sunrise Water
Company (collectively
"Applicants") filed an
application with the Arizona
Corporation Commission
("Commission") for an
extension of their Certificates
of Convenience and Necessity
("Certificate") in Cochise
County, Arizona. If the
application is granted the
Applicants would be the
exclusive providers of water
service within the requested
extension areas, and would be
required to provide service on
the terms and conditions as
established by the
Commission.

APPLICANTS HAVE BEEN
DIRECTED TO MAIL THIS
NOTICE TO ALL AFFECTED
PROPERTY OWNERS. IF YOU
RECEIVED THIS NOTICE BY
MAIL, YOUR PROPERTY IS
INCLUDED IN THE REQUEST
TO BE INCLUDED IN
APPLICANTS' SERVICE
AREAS. AFFECTED
PROPERTY OWNERS WHO
DO NOT WISH THEIR
PROPERTY TO BE INCLUDED
IN THE APPLICANTS'
SERVICE AREAS, MUST FILE
A REQUEST WITH THE
COMMISSION TO HAVE THEIR
PROPERTY EXCLUDED. IF
YOU DO NOT RESPOND TO
THIS NOTICE, AND THE
REQUEST IS APPROVED,
YOUR PROPERTY WILL BE
INCLUDED IN THE
APPLICANTS' SERVICE
AREAS. SUCH REQUESTS
FOR EXCLUSION SHOULD BE
MAILED TO THE APPLICANTS
AND THE ORIGINAL AND
COPIES FILED WITH THE
COMMISSION IN CARE OF
DOCKET CONTROL, 1200
WEST WASHINGTON
PHOENIX, ARIZONA 85007
BY JUNE 13, 2008. ALL
CORRESPONDENCE SHOULD
CONTAIN THE DOCKET
NUMBERS SET FORTH
ABOVE.

The applications are available
for inspection during regular
business hours at the offices of
the Commission in Phoenix, at
1200 West Washington Street,
Phoenix, Arizona, and in
Tucson, at 400 West Congress
St. Suite 218, Tucson, Arizona,
and at the offices of the
Applicants, c/o Greg Sorensen,
Algonquin Water, 12725 W.
Indian School Road, Suite D,
101, Avondale, AZ 85392. The
application is also available on
the Commission's website
www.azcc.gov, using the
Docket link.

The Commission has not yet
made a determination on the
Applicants' request and will
hold a hearing on this matter
on July 8, 2008 at 10:00 a.m.
or as soon thereafter as is
practical, at the Commission's
Tucson offices, Room 222,
West Congress St., Tucson,
Arizona 85701.

PUBLIC NOTICE OF
HEARING DOCKET NO
W-20453A-06-0247
DOCKET NO
W-20454A-06-0248
was printed and published correctly in the regular and entire issue of said SIERRA VISTA
HERALD and BISBEE DAILY REVIEW for 1 issues, that the first was
made on the 17th day of APRIL 20 08
and the last publication thereof was made on the 17th day of
APRIL 20 08 that said publication
was made on each of the following dates, to wit:

04/17/08

Request of



By

Subscribed sworn to before me this 17th day of APRIL
20 08

Notary Public in and for the County of Cochise, State of Arizona

My Commission Expires:

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding. Intervention will be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 13, 2008. Persons desiring to intervene must file a written motion to intervene, plus 13 copies, with the Commission and send a copy of the motion to Applicants or their counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the applications. You will not receive any further notice of this proceeding unless you request it. Comments may also be made by writing to the Commission in care of Docket Control, 1200 W. Washington, Phoenix, Arizona 85007. All correspondence should contain the Docket Numbers set forth above.

If you have any questions about this application, you may contact Applicants at Algonquin Water, c/o Greg Sorensen, 12725 W. Indian School Road, Suite D-101, Avondale, AZ 85392, (623) 298-3753. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail LHogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

PUBLISH: April 17 2006

EXHIBIT

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AFFIDAVIT OF JAMES W. HUMBLE

James W. Humble, being duly sworn, deposes and says:

1. I am a resident of Pinal County, over 18 years of age, and make this affidavit based on my own personal knowledge.

2. I am the Development Services Manager for Algonquin Water Services, LLC.

3. Pursuant to the Procedural Order dated February 29, 2008 ("Order"), on April 18, 2008 Northern Sunrise Water Company and Southern Sunrise Water Company ("Applicants") sent to respective property owners, via first class U.S. mail, a copy of the public notice regarding the July 8, 2008 hearing on Applicants' request to extend their Certificates of Convenience and Necessity ("Notice").

4. On April 18, 2008, Applicants sent a copy of the Order, via first class U.S. mail, to all certified public service corporations providing water service in areas contiguous to the proposed extension area.

5. On April 24, 2008, Applicants resent to property owners within the requested extension area a copy of the Notice via certified first class U.S. mail.

6. Pursuant to the Order, Applicants submit this proof of mailing.

James W. Humble
James W. Humble

SUBSCRIBED and sworn to before me this 28th day of April, 2008.



Linda A. Byrd
Notary Public

My Commission Expires:
July 22, 2011
2057708.1/20898.001

EXHIBIT

C

PUBLIC NOTICE OF HEARING ON APPLICATION BY
NORTHERN SUNRISE WATER COMPANY AND
SOUTHERN SUNRISE WATER COMPANY FOR
EXTENSION OF THEIR
CERTIFICATES OF CONVENIENCE AND NECESSITY
DOCKET NO. W-20453A-06-0247
DOCKET NO. W-20454A-06-0248

On January 2, 2008, Northern Sunrise Water Company and Southern Sunrise Water Company (collectively "Applicants") filed an application with the Arizona Corporation Commission ("Commission") for an extension of their Certificates of Convenience and Necessity ("Certificate") in Cochise County, Arizona. If the application is granted the Applicants would be the exclusive providers of water service within the requested extension areas, and would be required to provide service on the terms and conditions as established by the Commission.

APPLICANTS HAVE BEEN DIRECTED TO MAIL THIS NOTICE TO ALL AFFECTED PROPERTY OWNERS. IF YOU RECEIVED THIS NOTICE BY MAIL, YOUR PROPERTY IS INCLUDED IN THE REQUEST TO BE INCLUDED IN APPLICANTS' SERVICE AREAS. **AFFECTED PROPERTY OWNERS WHO DO NOT WISH THEIR PROPERTY TO BE INCLUDED IN THE APPLICANTS' SERVICE AREAS, MUST FILE A REQUEST WITH THE COMMISSION TO HAVE THEIR PROPERTY EXCLUDED. IF YOU DO NOT RESPOND TO THIS NOTICE, AND THE REQUEST IS APPROVED, YOUR PROPERTY WILL BE INCLUDED IN THE APPLICANTS' SERVICE AREAS.** SUCH REQUESTS FOR EXCLUSION SHOULD BE MAILED TO THE APPLICANTS AND THE ORIGINAL AND 13 COPIES FILED WITH THE COMMISSION IN CARE OF DOCKET CONTROL, 1200 WEST WASHINGTON, PHOENIX, ARIZONA 85007, **BY JUNE 13, 2008.** ALL CORRESPONDENCE SHOULD CONTAIN THE DOCKET NUMBERS SET FORTH ABOVE.

The applications are available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and in Tucson, at 400 West Congress St. Suite 218, Tucson, Arizona and at the offices of the Applicants, c/o Greg Sorensen, Algonquin Water, 12725 W. Indian School Road, Suite D-101, Avondale, AZ 85392. The application is also available on the Commission's website, www.azcc.gov, using the e-Docket link.

The Commission has not yet made a determination on Applicants' request and will hold a hearing on this matter on **July 8, 2008 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, **Room 222, 400 West Congress St., Tucson, Arizona 85701.**

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding. Intervention will be

in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before June 13, 2008. Persons desiring to intervene must file a written motion to intervene, plus 13 copies, with the Commission and send a copy of the motion to Applicants or their counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the applications. You will not receive any further notice of this proceeding unless you request it. Comments may also be made by writing to the Commission in care of Docket Control, 1200 W. Washington, Phoenix, Arizona 85007. All correspondence should contain the Docket Numbers set forth above.

If you have any questions about this application, you may contact Applicants at Algonquin Water, c/o Greg Sorensen, 12725 W. Indian School Road, Suite D-101, Avondale, AZ 85392, (866) 681-4506. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

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