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**BEFORE THE ARIZONA CORPORATION C**

COMMISSIONERS

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

Arizona Corporation Commission  
**DOCKETED**

JUN 13 2008

DOCKETED BY	ne
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IN THE MATTER OF THE APPLICATION OF  
THIM UTILITY COMPANY (E&T DIVISION)  
FOR AN EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03293A-00-0425

DECISION NO. 70374

**OPINION AND ORDER**

Open Meeting  
June 3 & 4, 2008  
Phoenix, Arizona

**BY THE COMMISSION:**

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On November 30, 2000, the Commission issued Decision No. 63196, which conditionally approved the application of Thim Utility Company (E&T Division) ("Thim Utility" or "Company") for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N").

2. Decision No. 63196 conditioned approval of the CC&N extension on the Company providing a copy of its Approval to Construct a new well, or notice that it has acquired a pre-existing well within 365 days of the effective date of the Decision. In addition, the Company was ordered to provide documentation from the Arizona Department of Environmental Quality ("ADEQ") that indicates the new well is providing water that meets the quality standards of the Safe Drinking Water Act within 6 months of completing the well and providing documentation that its current system meets the quality standards of the Safe Drinking Water Act within 90 days of the effective date of the

1 Decision. The Decision provided further that approval of the extension would be null and void in the  
2 event Thim Utility failed to meet the conditions within the time specified.

3 3. On June 28, 2001, the Company filed ADEQ documentation that indicates it was  
4 providing water that met the quality standards of the Safe Drinking Water Act and there were no  
5 major deficiencies. The Company did not file documentation concerning the new well.

6 4. On May 31, 2002, the Commission's Utilities Division ("Staff") docketed a  
7 memorandum voiding the CC&N extension for non-compliance.

8 5. On October 5, 2007, Staff re-opened the compliance in order to give the Company due  
9 process before cancelling the CC&N extension.

10 6. On February 4, 2008, Thim Utility submitted a request to cancel the extension of its  
11 CC&N because the "development did not take place."

12 7. On March 10, 2008, Staff filed a Staff Report recommending approval of the request  
13 to cancel the CC&N extension.

14 8. Staff states that it contacted the Company to verify that no development took place in  
15 the extension area and that there were no customers.

16 9. Staff recommends cancellation of the CC&N extension that was conditionally granted  
17 by Decision No. 63196 and that this docket be closed as of the effective date of an Order cancelling  
18 such CC&N extension.

19 10. The expected development in the extension area did not materialize.

20 11. No customers will be affected by cancelling the CC&N extension.

21 12. The Company's request and Staff's recommendations are reasonable.

22 13. Upon cancellation of the CC&N extension, Thim Utility will not be subject to the  
23 requirements of Decision No. 63196.

#### 24 CONCLUSIONS OF LAW

25 1. Thim Utility is a public service corporation within the meaning of Article XV of the  
26 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

27 2. The Commission has jurisdiction over Thim Utility and the subject matter of the request.

28 3. Notice of this matter was provided in accordance with law.

1 4. There is no public need or necessity for water service in the extension area described in  
2 Decision No. 63196.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the extension of the Certificate of Convenience and  
5 Necessity conditionally granted to Thim Utility Company (E&T Division) in Decision No. 63196 is  
6 hereby cancelled.

7 IT IS FURTHER ORDERED that this docket shall be closed.

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

9 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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11    
12 CHAIRMAN COMMISSIONER

13     
14 COMMISSIONER COMMISSIONER COMMISSIONER

15 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive  
16 Director of the Arizona Corporation Commission, have  
17 hereunto set my hand and caused the official seal of the  
18 Commission to be affixed at the Capitol, in the City of Phoenix,  
19 this 13<sup>th</sup> day of June, 2008.

20   
21 BRIAN C. McNEIL  
22 EXECUTIVE DIRECTOR

23 DISSENT \_\_\_\_\_

24 DISSENT \_\_\_\_\_

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SERVICE LIST FOR: THIM UTILITY COMPANY (E&T DIVISION)

DOCKET NO.: W-03293A-00-0425

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