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ORIGINAL

BEFORE THE ARIZONA CORPORATION

2 COMMISSIONERS

- 3 MIKE GLEASON
- 4 WILLIAM A. MUNDELL
- 5 JEFF HATCH-MILLER
- 6 KRISTIN K. MAYES
- 7 GARY PIERCE

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AZ CORP COMMISSION  
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Arizona Corporation Commission

DOCKETED

AUG 26 2008

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8 IN THE MATTER OF THE COMMISSION ON ITS  
 9 OWN MOTION INVESTIGATING THE FAILURE  
 10 OF MOUNT TIPTON WATER COMPANY, INC.  
 11 TO COMPLY WITH COMMISSION RULES AND  
 12 REGULATIONS.

DOCKET NO. W-02105A-07-0510

STAFF'S MOTION TO COMPEL

13 Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") hereby  
 14 respectfully requests that the Mount Tipton Water Company ("Mount Tipton" or "Company") be  
 15 compelled to provide materials described as late filed exhibits R-4, R-5, R-6, and R-7. Staff  
 16 believes that providing these late filed exhibits will permit Staff to perform the evaluation of these  
 17 documents that Staff was directed to perform by Administrative Law Judge Sarah Harpring's  
 18 procedural order of May 22, 2008.

The May 22 procedural order required Mount Tipton to provide:

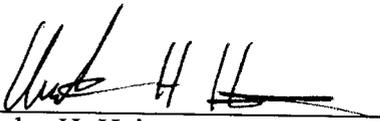
- 19 1. A copy of Mount Tipton's hook-up fee report for quarterly and year-ending 2005-2007 that  
 20 includes the missing information for the period between October 4, 2006, and May 1, 2007,  
 21 or, if no information is missing from the report as filed in Exhibit S-5 and Exhibit R-1, an  
 22 explanation of the gap in time and the increase in the running balance shown on the report;
- 23 2. A document stating the number of metered customers that Mount Tipton is currently  
 24 serving;
- 25 3. A document stating, for each hook-up fee that has been charged by Mount Tipton since  
 26 August 11, 2004: (1) the date on which the hook-up fee was charged, (2) the name of the  
 27 customer charged the hook-up fee, (3) the service address for which the hook-up fee was  
 28 charged, (4) the meter size for the service address, and (5) the amount of the hook-up fee  
 charged; and
4. A document providing a complete accounting of the items on which the hook-up fees  
 collected were spent, for the period from August 11, 2004, to the present, including for  
 each expenditure: (1) the date on which the expenditure was made, (2) the amount of the  
 expenditure, and (3) a description of what was purchased or paid for.

1 Further, Mount Tipton was required to provide these materials as late filed exhibits R-4, R-  
2 5, R-6, and R-7 by June 27, 2008. In turn, Staff was ordered to review the documents contained in  
3 these late filed exhibits to file within six weeks a late filed exhibit that (1) analyzed the  
4 information for compliance with Decision No. 67162 (including the hook-up fee tariff approved  
5 therein) and make any revisions and/or additions to Staffs previous recommendations resulting  
6 from Staff's analysis of the information; (2) make any revisions and/or additions to Staffs previous  
7 recommendations regarding Count 8, in light of Mount Tipton's current full compliance with  
8 ADEQ requirements; and (3) indicate whether Staff believes that additional hearing is warranted in  
9 this matter.

10 Since the issuance of the May 22 procedural order, Mount Tipton has requested one  
11 extension of time for filing late filed exhibits R-4, R-5, R-6 and R-7. By procedural order dated  
12 July 3, 2007, the Company was extended until July 18, 2008 to file the required documents. The  
13 filing date for Staff's late filed exhibit was extended to August 29, 2008. The extension date set by  
14 the July 3 procedural order has lapsed and the Company has still not provided the documents  
15 necessary for Staff to produce its late filed exhibit.

16 Therefore, Staff respectfully requests that Mount Tipton be compelled to provide the four  
17 late filed exhibits described by the May 22 procedural order within ten (10) days of a procedural  
18 order being issued. Further, Staff requests a further extension of time for filing its late filed exhibit  
19 to six weeks from the deadline for the Company to provide its late filed exhibits.

20 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2008.

21  
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23   
24 Charles H. Hains  
25 Attorney, Legal Division  
26 Arizona Corporation Commission  
27 1200 West Washington Street  
28 Phoenix, Arizona 85007  
(602) 542-3402

1 The original and thirteen (13) copies  
of the foregoing were filed this  
2 26<sup>th</sup> day of August, 2008 with:

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

5  
6 Copy of the foregoing mailed this  
26<sup>th</sup> day of August, 2008 to:

7 Mount Tipton Water Company, Inc.  
P.O. Box 38  
8 Dolan Springs, Arizona 86441

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