



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

SEP 30 2008

DOCKETED BY	MW
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IN THE MATTER OF THE APPLICATION OF  
 SIGNAL PEAK WATER COMPANY, INC. FOR  
 APPROVAL OF THE SALE OF ITS ASSETS  
 AND TRANSFER OF ITS CERTIFICATE OF  
 CONVENIENCE AND NECESSITY TO  
 AVM-2005, L.L.C.

DOCKET NO. W-02109A-06-0751  
 DOCKET NO. W-20496A-06-0751

DECISION NO. 70534

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 69737**

Open Meeting  
 September 23 and 24, 2008  
 Phoenix, Arizona

BY THE COMMISSION:

\* \* \* \* \*

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On July 30, 2007, the Arizona Corporation Commission ("Commission") issued Decision No. 69737 which approved the application of Signal Peak Water Company, Inc. ("SPWC") to sell its assets and transfer its Certificate of Convenience and Necessity ("Certificate") to AVM-2005, L.L.C. ("Applicant" or "Company").

2. The Commission's Decision approving the sale of assets and transfer of Certificate to the Company was conditioned upon the Company filing, by July 30, 2008, a copy of the Arizona Department of Environmental Quality's ("ADEQ") documentation which establishes that the Company's water is being monitored and tested monthly for total coliform analysis and that the Company is providing water which meets the requirements of the Safe Drinking Water Act.

3. On July 28, 2008, the Company filed a motion for an extension of time, until January

1 30, 2009, in which to file the necessary ADEQ documentation. According to the Company, its  
2 certified water operator misunderstood the ADEQ testing requirements and, as a result, the  
3 Company's compliance with that condition has been delayed. Subsequently, the Company has been  
4 working with ADEQ to achieve compliance and has hired a new certified water operator to maintain  
5 the required testing schedule and to bring the Company into compliance with ADEQ's standards.

6 4. According to the Company, it has met all other Commission compliance requirements  
7 ordered in Decision No. 69737.

8 5. On August 19, 2008, the Commission's Utilities Division ("Staff") filed a  
9 memorandum which recommends approval of the Company's requested motion for an extension of  
10 time, until January 30, 2009, to meet the filing requirements of Decision No. 69737. Staff indicated  
11 that it has contacted an ADEQ manager to discuss the timing of the issuance of its documentation and  
12 confirmed that further time is necessary to complete the filing of the documentation required of the  
13 Company.

14 CONCLUSIONS OF LAW

15 1. The Company is a public service corporation within the meaning of Article XV of the  
16 Arizona Constitution and A.R.S. §§ 40-240-281, 40-282 and 40-285.

17 2. The Commission has jurisdiction over the Company and the subject matter of the  
18 extension request addressed herein.

19 3. Staff's recommendation for the approval of an extension of time is reasonable and  
20 should be adopted.

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**ORDER**

IT IS THEREFORE ORDERED that the AVM-2005, L.L.C. shall be granted an extension of time, until January 30, 2009, to file a copies of the Arizona Department of Environmental Quality documentation which establishes that AVM-2005, L.L.C. is testing monthly for total coliform analysis and further establishes that its water meets the requirements of the Safe Drinking Water Act.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

*Lawrence L. Blanton*  
CHAIRMAN

*William M. Mankel*

COMMISSIONER

*[Signature]*

COMMISSIONER

COMMISSIONER

*[Signature]*

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 30<sup>th</sup> day of Sept., 2008.

*[Signature]*  
BRIAN C. MCNEIL  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

MES:db

1 SERVICE LIST FOR: SIGNAL PEAK WATER COMPANY, INC.

2 DOCKET NO.: W-02109A-06-0751 AND W-20496A-06-0751

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