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MEMORANDUM

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2009 JAN 30 A 9:53

FROM: Ernest G. Johnson  
Director  
Utilities Division

AZ CORP COMMISSION  
DOCKET CONTROL

DATE: January 30, 2009

RE: WEST END WATER COMPANY - REQUEST FOR ADDITIONAL TIME TO COMPLY WITH FILING REQUIREMENT - DECISION NO. 69672 (DOCKET NO. W-01157A-05-0706)

In Decision No. 69672, dated June 28, 2007, the Arizona Corporation Commission ("Commission") approved the application of J. D. Campbell dba West End Water Company ("West End" or "the Company") for an extension to its Certificate of Convenience and Necessity ("CC&N") to serve a development called Walden Ranch. Since the date of the Commission's decision in this matter, West End has been granted two time extensions to comply with the Decision; the first through a Procedural Order, dated December 26, 2007; and the second through Decision No. 70475, dated September 3, 2008. Decision No. 70475 granted West End additional time, until December 31, 2008, to file a main extension agreement for the extension territory and to file the developer's Certificate of Assured Water Supply ("CAWS") from the Arizona Department of Water Resources ("ADWR"). On December 12, 2008, the Company filed the required main extension agreement.

On December 23, 2008, West End filed its third request for a time extension. The request included a chronology of the developer's and West End's discussions with ADWR regarding obtaining a CAWS which indicates that the process to acquire the CAWS began in September 2007. The chronology includes a number of letters and filings with ADWR and two meetings with the purpose of advancing the developer's application for a CAWS. According to West End's request for a time extension, the most recent meeting held with West End, the developer and ADWR was held on December 11, 2008, and ended with ADWR indicating an additional year would pass before ADWR could give the developer the necessary data to use in the new ADWR model.

Staff contacted ADWR to verify West End's account of the meeting. The ADWR verified the Company's account of the meeting and the expected time frame for provision of the data. If the data is received in one year as expected, the developer will still need to complete the model, submit it to ADWR and wait for approval. Thus, West End is requesting a two-year extension of time rather than one year.

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West End has complied with the rest of Decision No. 69672. A need for service continues as evidenced by the developers continued efforts to receive a CAWS from ADWR. Staff recommends approval of the request for a two-year time extension to December 31, 2010. Staff recommends that no further time extensions be granted.

EGJ:LAJ:lm

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DOCKET NO. W-01157A-05-0706

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