

ORIGINAL

OPEN MEETING



0000093681

MEMORANDUM

TO: THE COMMISSION

FROM: Utilities Division

DATE: February 12, 2009

RE: IN THE MATTER OF THE APPLICATION OF FORT MOJAVE TRIBAL UTILITIES AUTHORITY FOR AN OFF-SITE WATER HOOK-UP FEE TARIFF (DOCKET NO. W-02524A-08-0521)

On October 9, 2008, Fort Mojave Tribal Utilities Authority ("Fort Mojave") filed an application for approval of an Off-Site Water Hook-Up Fee Tariff. The proposed tariff is intended to equitably apportion the costs of constructing additional off-site facilities to provide water production, delivery, storage and pressure among all new service connections. Fort Mojave provides water service to approximately 1,000 customers in Mohave County, Arizona.

On October 15, 2008, Commission Staff ("Staff") contacted Fort Mojave by telephone to request that Fort Mojave agree to waive the 30-day time clock for processing its tariff application. Fort Mojave verbally agreed to the waiver and further stated that it would follow-up with a letter to the Commission Docket Control.

On November 10, 2008, Staff sent out its First Set of Data Requests to Fort Mojave requesting additional and supporting documentation for its tariff application. These data requests asked for a written confirmation of the waiver, additional supporting documents, and a copy of Fort Mojave's 2007 Annual Report. As of February 4, 2009, Fort Mojave has not responded to Staff's First Set of Data Requests. Furthermore, Staff had numerous telephone and email contacts with Fort Mojave regarding the need for responses to Staff's data request. Without the requested data, Staff cannot further evaluate Fort Mojave's tariff application.

Therefore, Staff recommends that Fort Mojave's application to implement an Off-Site Water Hook-Up Fee Tariff be denied.

Ernest G. Johnson  
Director  
Utilities Division

EGJ:MSJ:lhms\WVC

ORIGINATOR: Marlin Scott, Jr.

Arizona Corporation Commission

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**BEFORE THE ARIZONA CORPORATION COMMISSION**

KRISTIN K. MAYES  
Chairman

GARY PIERCE  
Commissioner

PAUL NEWMAN  
Commissioner

SANDRA D. KENNEDY  
Commissioner

BOB STUMP  
Commissioner

IN THE MATTER OF THE APPLICATION )  
OF FORT MOJAVE TRIBAL UTILITIES )  
AUTHORITY FOR AN OFF-SITE WATER )  
HOOK-UP FEE TARIFF )  
\_\_\_\_\_ )

DOCKET NO. W-02524A-08-0521

DECISION NO. \_\_\_\_\_

ORDER

Open Meeting  
March 3 and 4, 2009  
Phoenix, Arizona

**BY THE COMMISSION:**

On October 9, 2008, Fort Mojave Tribal Utilities Authority ("Fort Mojave") filed an application for the approval of an Off-Site Water Hook-Up Fee Tariff. The proposed tariff is intended to equitably apportion the costs of constructing additional off-site facilities, to provide water production, delivery, storage and pressure, among all new service connections. Fort Mojave provides water service to approximately 1,000 customers in Mohave County, Arizona.

\* \* \* \* \*

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

FINDINGS OF FACT

1. Fort Mojave is certificated to provide water service as a public service corporation in the State of Arizona.
2. On October 9, 2008, Fort Mojave filed its tariff application.
3. On October 15, 2008, Commission Staff ("Staff") contacted Fort Mojave by telephone to request that Fort Mojave agree to waive the 30-day time clock for processing its tariff

1 application. Fort Mojave verbally agreed to the waiver and further stated that it would follow-up  
2 with a letter to the Commission Docket Control.

3 4. On November 10, 2008, Staff sent out its First Set of Data Requests to Fort Mojave  
4 requesting additional and supporting documentation for its tariff application. These data requests  
5 asked for a written confirmation of the waiver, additional supporting documents, and a copy of  
6 Fort Mojave's 2007 Annual Report. Fort Mojave has not responded to Staff's First Set of Data  
7 Requests. Furthermore, Staff had numerous telephone and email contacts with Fort Mojave  
8 regarding the need for responses to Staff's data request. Without the requested data, Staff cannot  
9 further evaluate Fort Mojave's tariff application.

10 5. Staff has recommended that Fort Mojave's application to implement an Off-Site  
11 Water Hook-Up Fee Tariff be denied.

12 CONCLUSIONS OF LAW

13 1. Fort Mojave is an Arizona public service corporation within the meaning of Article  
14 XV, Section 2, of the Arizona Constitution.

15 2. The Commission has jurisdiction over Fort Mojave and of the subject matter in this  
16 Application.

17 3. The Commission having reviewed the filing and Staff's memorandum, dated  
18 February 12, 2009, concludes that it is in the public interest to deny Fort Mojave's application for  
19 implement an Off-Site Water Hook-Up Fee Tariff.

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ORDER

IT IS ORDERED that the application by Fort Mojave Tribal Utilities Authority for approval of an Off-Site Water Hook-Up Fee Tariff is denied.

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

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MICHAEL P. KEARNS  
INTERIM EXECUTIVE DIRECTOR

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

EGJ:MSJ:lhm\WVC

1 SERVICE LIST FOR: Fort Mojave Tribal Utilities Authority  
2 DOCKET NO. W-02524A-08-0521

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4 Director  
5 Fort Mojave Tribal Utilities Authority  
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7 Post Office Box 5559  
8 Mohave Valley, Arizona 86446

9 Mr. Ernest G. Johnson  
10 Director, Utilities Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Ms. Janice M. Alward  
15 Chief Counsel, Legal Division  
16 Arizona Corporation Commission  
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