

ORIGINAL



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RECEIVED

2009 FEB 24 P 4: 06

Arizona Corporation Commission

DOCKETED

FEB 24 2009

5 Attorneys for Cross Creek Ranch Water Company

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL



7 BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF THE
9 APPLICATION OF CROSS CREEK
RANCH COMMUNITY ASSOCIATION,
10 AN ARIZONA NON-PROFIT
CORPORATION, FOR AN
11 ADJUDICATION OF "NOT A PUBLIC
SERVICE CORPORATION" STATUS.

DOCKET NO. W-20619A-08-0470

12 IN THE MATTER OF CROSS CREEK
13 RANCH WATER COMPANY'S
APPLICATION FOR APPROVAL OF
14 ASSIGNMENT OF ASSETS VIA
DISSOLUTION TO THE CROSS CREEK
15 RANCH COMMUNITY ASSOCIATION,
PURSUANT TO ARIZONA REVISED
16 STATUTES 40-285, AND DELETION OF
THE CERTIFICATE OF CONVENIENCE
17 AND NECESSITY.

DOCKET NOS.: W-04131A-08-0471
W-20619A-08-0471

**NOTICE OF FILING
CERTIFICATION OF PUBLICATION
AND PROOF OF MAILING**

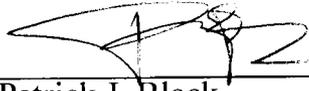
19 Pursuant to the Amended Procedural Order dated January 21, 2009, Cross Creek
20 Ranch Water Company ("Water Company") and Cross Creek Ranch Community
21 Association ("Association") (collectively "Applicants") hereby file this Notice of Filing
22 Certification of Publication and Proof of Mailing in the above-reference matter.

23 On January 28, 2009, in the *Sedona Red Rock News* was published the notice
24 regarding the March 16, 2009 hearing on the Association's application for an adjudication
25 not a public service corporation, and the Water Company's application for approval to
26 transfer its water utility assets to the Association and to cancel its Certificate of
27 Convenience and Necessity. The affidavit of Robert B. Larson, Publisher of the *Sedona*
28 *Red Rock News*, is attached hereto as Exhibit 1.

1 On January 30, 2009 Applicants mailed to members/customers the notice regarding
2 the March 16, 2009 hearing. See the affidavit of Paul Frieder attached hereto as Exhibit 2.

3 RESPECTFULLY SUBMITTED this 24th day of February, 2009.

4 FENNEMORE CRAIG, P.C.

5
6 By: 

7 Patrick J. Black
8 Attorneys for Cross Creek Ranch Water Company

9 ORIGINAL and thirteen (13) copies
10 of the foregoing hand-delivered
11 this 24th day of February, 2009, to:

12 Docket Control
13 Arizona Corporation Commission
14 1200 W. Washington St.
15 Phoenix, AZ 85007

16 Copy of the foregoing hand delivered
17 this 24th day of February, 2009, to:

18 Yvette B. Kinsey, Administrative Law Judge
19 Hearing Division
20 Arizona Corporation Commission
21 1200 W. Washington Street
22 Phoenix, AZ 85007

23 Wesley C. Van Cleve
24 Robin Mitchell
25 Legal Division
26 Arizona Corporation Commission
27 1200 W. Washington Street
28 Phoenix, AZ 85007

By: 
2168656.1/23936.001

EXHIBIT

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AFFIDAVIT OF PUBLICATION

PUBLIC NOTICES

PUBLIC NOTICE OF HEARING ON THE APPLICATIONS OF CROSS CREEK RANCH COMMUNITY ASSOCIATION FOR AN ADJUDICATION NOT A PUBLIC SERVICE CORPORATION AND CROSS CREEK RANCH WATER COMPANY FOR APPROVAL TO TRANSFER ITS ASSETS TO CROSS CREEK RANCH COMMUNITY ASSOCIATION AND TO CANCEL ITS CERTIFICATE OF CONVENIENCE AND NECESSITY(DOCKET NO. W-20619A-08-0470 ET AL.

On September 8, 2008, Cross Creek Ranch Community Association ("Association") filed an application with the Arizona Corporation Commission ("Commission") for an Adjunction Not a Public Service Corporation. On the same date, Cross Creek Ranch Water Company ("Water Company") filed an application with the Commission, requesting Commission approval to transfer its water utility assets to the application with the Commission, requesting Commission approval to transfer its water utility assets to the Association and to cancel its Certificate of Convenience and Necessity. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the applications, and the Commission is not bound by the proposals made by the Association, Water Company ("Applicants"), Staff, or any intervenors. The Commission will issue a Decision regarding the applications following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the applications are available at the Applicants' offices at 6386 State Route 179, Suite C-1, Sedona, AZ 86351, and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on the applications on March, 16, 2009, at 10:00 a.m., at the Commission's offices, in room 100, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-20619A-08-0470 et al. to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/publiccomment.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than February 24, 2009, and send a copy of the motion to the Applicants or their counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of the Water Company, a member of the Association, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 24, 2009. If representation by counsel is required by Rule 21 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For more information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the applications of from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Linda Hogan, E-mail Lhogan@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

Publish: Jan. 28, 2009.

STATE OF ARIZONA)
) ss.
COUNTY OF YAVAPAI)

I, ROBERT B. LARSON, Publisher of the
SEDONA RED ROCK NEWS,

a newspaper of general circulation, printed and published in the County of Yavapai, State of Arizona, do solemnly swear that a copy of the attached notice, in the matter of

Cross Creek Ranch Community Association
Public Notice of Hearing on Applications

as per clipping attached, was published in the regular and entire section of said newspaper, and not in any supplement thereof, on the following schedule:

Jan. 28, 2009.



ROBERT B. LARSON, Publisher

Subscribed and sworn to before me this
9 day of January, 2009



Notary Public



GLORIA COLE
NOTARY PUBLIC- ARIZONA
YAVAPAI COUNTY
My Comm. Exp. April 14, 2009

EXHIBIT

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AFFIDAVIT OF PAUL FRIEDER

Paul Frieder, being duly sworn, deposes and says:

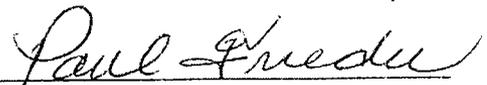
1. I am a resident of Sedona, Arizona, over 18 years of age, and make this affidavit based on my own personal knowledge.

2. I am the Community Association Manager of Homeowners Association Management Company ("HOAMCO").

3. Pursuant to the Procedural Order dated January 9, 2009, on January 15, 2009, HOAMCO, on behalf of Cross Creek Ranch Community Association ("Association") and Cross Creek Ranch Water Company ("Water Company") (collectively "Applicants"), mailed to Applicants' members/customers the public notice regarding the March 5, 2009 hearing on the Association's request for an Adjudication Not a Public Service Corporation, and the Water Company's request for approval to transfer its water utility assets to the Association and cancel its Certificate of Convenience and Necessity.

4. Pursuant to the Amended Procedural Order dated January 21, 2009, on January 30, 2009, HOAMCO, on Applicants' behalf, mailed to Applicants' members/customers the public notice regarding the March 16, 2009 hearing, originally scheduled for March 5, 2009. With the notice Applicants provided a cover letter explaining that the hearing date had been changed, and that the deadline for intervention had been extended to February 24, 2009. Attached hereto as Exhibit A are a copy of the cover letter, the notice, and a postage statement.

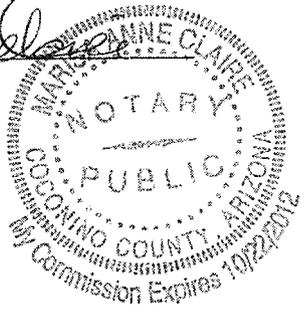
5. Pursuant to the original and amended orders, Applicants submit this proof of mailing.


Paul Frieder

SUBSCRIBED and sworn to before me this 23rd day of February, 2009.


Notary Public

My Commission Expires: Oct 22, 2012
2167326.1/23936.001



EXHIBIT

A



CROSS CREEK RANCH COMMUNITY ASSOCIATION
CROSS CREEK RANCH WATER COMPANY

TO: MEMBERS/CUSTOMERS

Due to a change in the schedule, the hearing in the Water Company matter will now be held on March 16, 2009 at 10:00 a.m. at the Commission's offices, in Room 100, 1200 Washington Street, Phoenix, Arizona.

Additionally, the deadline to file motions to intervene is extended from February 17, 2009 to February 24, 2009.

January 30, 2009

**PUBLIC NOTICE OF HEARING ON THE APPLICATIONS
OF CROSS CREEK RANCH COMMUNITY ASSOCIATION
FOR AN ADJUDICATION NOT A PUBLIC SERVICE CORPORATION
AND CROSS CREEK RANCH WATER COMPANY FOR APPROVAL TO TRANSFER
ITS ASSETS TO CROSS CREEK RANCH COMMUNITY ASSOCIATION
AND TO CANCEL ITS CERTIFICATE OF CONVENIENCE AND NECESSITY
(DOCKET NO. W-20619A-08-0470, ET AL.)**

On September 8, 2008, Cross Creek Ranch Community Association ("Association") filed an application with the Arizona Corporation Commission ("Commission") for an Adjudication Not a Public Service Corporation. On the same date, Cross Creek Ranch Water Company ("Water Company") filed an application with the Commission, requesting Commission approval to transfer its water utility assets to the Association and to cancel its Certificate of Convenience and Necessity. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the applications, and the Commission is not bound by the proposals made by the Association, Water Company ("Applicants"), Staff, or any intervenors. The Commission will issue a Decision regarding the applications following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the applications are available at the Applicants' offices at 6586 State Route 179, Suite C-1, Sedona, AZ 86351, and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on the applications on **March 16, 2009, at 10:00 a.m.**, at the Commission's offices, in Room 100, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-20619A-08-0470, et al., to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

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1. Your name, address, and telephone number and the name, address, and telephone number of any party upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of the Water Company, a member of the Association, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 24, 2009**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity

from appearing at the hearing and providing public comment on the applications or from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Linda Hogan, E-mail Lhogan@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE-POSTMASTER

Affix fee here in stamps
or meter postage and
post mark. Inquire of
Postmaster for current
fee.

Received From:

HORANCO
6586 Hwy 179 #C 1
SEDONA AZ 86351

One piece of ordinary mail addressed to:

