



0000094358

ORIGINAL

MEMORANDUM
RECEIVED

111

2009 MAR -6 P 2: 57

TO: Docket Control
FROM: Ernest G. Johnson
Director
Utilities Division

EJ

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

MAR - 6 2009

DATE: March 6, 2009

DOCKETED BY *MM*

RE: APPLICATION OF MOHAWK UTILITY COMPANY TO EXTEND
ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET
NO. W-02341A-06-0040)

On November 10, 2008, a procedural order was issued by the Hearing Division in the subject docket.

As part of its Procedural Order the Hearing Division ordered the following:

“IT IS THEREFORE ORDERED that Mohawk Utility Company, Inc. shall file an amendment to its application and state the specific area for which it is seeking an extension of its Certificate along with a corrected legal description which will reflect an accurate depiction of the area sought to be certificated herein.”

“IT IS FURTHER ORDERED that Mohawk Utility Company, Inc. shall also file certification which clarifies the status of the Company’s operator.”

“IT IS FURTHER ORDERED that the Commission’s Utilities Division shall file a response indicating whether the Company filing accurately depicts the current area sought to be certificated in the requested extension area and whether the Company is being run by a certified operator at the present time.”

This Memorandum is being filed in compliance with the ordering paragraphs above.

BACKGROUND

In the Utilities Division Staff (“Staff”) report filed in this matter on October 17, 2008, Staff recommended that the Section 28 extension area not be included in any CC&N extension granted to Mohawk Utility Company (“Mohawk” or “Company”) as a result of this application. The Section 28 extension area, labeled and referred to in the Staff report as the Conley Parcel, is currently undeveloped except for the home that the Conley’s live in. Staff understands that the land included in the Section 28 extension area is owned by Carl Conley. When asked to provide service request(s) and related

costs for the Section 28 extension area, the Company responded that it had decided to remove the Conley property from its CC&N extension request. The Company does not provide any service in Section 28 and future plans to develop this area currently do not exist. Prior to the hearing in this matter the Company had not formally amended its application to exclude Section 28.

COMPLIANCE WITH PROCEDURAL ORDER

On February 18, 2009, Mohawk filed to amend its application to exclude Section 28. The Company's filing included a corrected legal description. Staff has reviewed this corrected legal description and has verified that this description accurately depicts the current area sought to be certificated in the requested extension area.

In its February 18, 2009 filing Mohawk reported "we are working diligently with ADEQ to get our current operator recertified". The Company indicated that it expected to have its operator recertified by the end of March, at the latest. In an email sent March 4, 2009, the Company informed Staff that the Arizona Department of Environmental Quality ("ADEQ") had recertified its operator (Robert Chris Rockwell) until 2011. Attached is the email the Company sent to Staff on March 4, 2009. The second attached document was obtained from ADEQ's Operator Certification Database¹. This latter attachment indicates Robert Chris Rockwell holds a Grade 2 certification that is valid until June 30, 2011. Accordingly, Staff concludes that the Company is being run by a certified operator at the present time.

EGJ:DWS:

Originator: Del Smith

¹ Staff downloaded and printed the attached certification information from ADEQ's website.

Del Smith

From: MohawkUtilities@aol.com
Sent: Wednesday, March 04, 2009 7:57 PM
To: Del Smith
Subject: Re: Mohawk Utilities

Del,
Just wanted you to know that Chris's water operator certificate was renewed per Bill Reed @ADEQ until 2011. Did you get the letter and amended legal description? Is there anything else that you need?
Thanks,
Colleen

In a message dated 1/23/2009 10:49:59 A.M. US Mountain Standard Time, DSmith@azcc.gov writes:

Colleen see the suggested clarification changes (below in red font). I assume you plan to put this on Mohawk's letterhead. In addition to putting the amended description in the letter I would also make it an attachment so it can be attached to other documents later if needed. Del

From: MohawkUtilities@aol.com [mailto:MohawkUtilities@aol.com]
Sent: Thursday, January 22, 2009 5:25 PM
To: Del Smith
Cc: Kiana Sears
Subject: Mohawk Utilities

Del,

Will this work? This letter is submitted in response to the Procedural Order issued by the Hearing Officer, dated November 10, 2008, in the matter of Mohawk Utility Company, Inc. ("Mohawk") application to amend its Certificate of Convenience and Necessity ("CC&N") in Docket No. W-02341A-06-0040. Mohawk was asked to formally amend its CC&N Extension application for the area sought to be certificated and indicate whether the utility is currently being operated by a certified operator. Mohawk wishes to amend its application as follows. ~~This letter is to let you know that Mohawk Utility Company, Inc is amending our legal description that is in our.~~ We would like to remove the "Conley" piece of property (Section 28: S 1/2 of SE 1/4) and leave the rest as follows:

Located in Township 8 South, Range 17 West, Gila and Salt River Base and Meridian, Yuma County, Arizona:

Section 26: NW ¼
Section 27: S ½ of SW ¼

The existing CC&N approved in Decision No. 49900, dated May 3, 1979, is described as follows:

Section 26: SW ¼
Section 35: That portion of the NW ¼ lying north of the north right-of-way line
of U.S. Highway 80

All located in Township 8 South, Range 17 West, Gila and Salt River Base and Meridian, Yuma
County, Arizona

With regards to the status of our water operator certification we are working diligently with ADEQ to get
our current operator recertified. We are getting close to completing the process and expect to have our
operator recertified by the end of next month, at the latest. ~~in the process of fixing that situation.~~

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

===== This footnote confirms that this email message
has been scanned to detect malicious content. If you experience problems, please e-mail
postmaster@azcc.gov =====

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

This table was dynamically generated from the Water Quality Database.

Date/Time Generated: Mar. 5, 2008 @ 07:30

Operator ID:	OP003587		
City:	WELLTON		
Name:	ROBERT C ROCKWELL		
E-mail:	mohawkutilities@aol.com		
Mail Stop:	6312		
Work Phone:	(928) 785-3422		
Certification	Grade	Effective Date	Expiration Date
Grade 2 Water Distribution System Operator	2D	01-Jul-1990	30-Jun-2011
Grade 2 Water Treatment Plant Operator	2T	01-Jul-1987	30-Jun-2011

Results 1 - 1 of 1

Go to Page: **1**

[Search Again](#)