

ORIGINAL

OPEN MEETING ITEM



0000094468

COMMISSIONERS
KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP



MICHAEL P. KEARNS
Interim Executive Director

ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission
DOCKETED

MAR 11 2009

DATE: MARCH 11, 2009
DOCKET NO: W-03067A-06-0117
TO ALL PARTIES:

DOCKETED BY

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

BEAVER DAM WATER COMPANY
(CC&N EXTENSION/DENYING ORDER PRELIMINARY)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

MARCH 20, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MARCH 31, 2009 and APRIL 1, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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AZ CORP COMMISSION
DOCKET CONTROL

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION OF
BEAVER DAM WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03067A-06-0117

DECISION NO. _____

ORDER

Open Meeting
March 31, and April 1, 2009
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 March 1, 2006, Beaver Dam Water Company ("Beaver Dam" of "Company") filed with the Arizona Corporation Commission ("Commission" an application for an extension of its Certificate of Convenience and Necessity ("CC&N") to include 26 acres adjacent to its current CC&N service area.

2. On January 19, 2007, the Commission issued Decision No. 69243, which granted an Order Preliminary to the issuance of an extension of Beaver Dam's CC&N upon completion of the following requirements:

- a. That Beaver Dam file with Docket Control, as a compliance item in this docket, a copy of the Approval to Construct ("ATC") for the water facilities needed to serve the extension area within two years of the effective date of the Order Preliminary in this proceeding.
- b. That Beaver Dam file, within two years from the issuance of an Order Preliminary, documentation from Arizona Department of Water Resources ("ADWR") that there is adequate water to serve the proposed extension area.

ORDER

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IT IS THEREFORE ORDERED that the Order Preliminary issued to Beaver Dam Water Company in Commission Decision No. 69243 (January 19, 2007), is hereby deemed null and void.

IT IS FURTHER ORDERED that Docket Control shall close this docket.

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

BY 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 the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2009.

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

YBK:db

1 SERVICE LIST FOR: BEAVER DAM WATER COMPANY

2 DOCKET NO.: W-03067A-06-0117

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