



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

MAR 17 2009

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

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF  
ASHCREEK WATER COMPANY FOR AN  
EXTENSION OF ITS EXISTING CERTIFICATE  
OF CONVENIENCE AND NECESSITY FOR  
WATER SERVICE.

DOCKET NO. W-02494A-07-0681

DECISION NO. 70833

ORDER EXTENDING TIME  
DEADLINE CONTAINED IN  
DECISION NO. 70409

Open Meeting  
March 3 and 4, 2009  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

**FINDINGS OF FACT**

1. On July 3, 2008, the Commission issued Decision No. 70409, granting Ashcreek Water Company's ("Ashcreek" or "Company") request for an extension of its certificate of convenience and necessity.
2. Pursuant to the Decision, Ashcreek was required to file "a copy of the ADEQ Approval of Construction of the 20,000 gallon storage tank by December 31, 2008."<sup>1</sup>
3. On December 9, 2008, Ashcreek filed correspondence with the Commission requesting an extension of the December 31, 2008, deadline for an additional six months ("Request").
4. On January 8, 2009, the Commission's Utilities Division Staff ("Staff") filed a Memorandum recommending approval of the Company's Request.
5. In Decision No. 70409, the Commission noted that the Company was having difficulty

<sup>1</sup> Decision No. 70409, pages 6-7

1 completing installation of the storage tank due to problems obtaining four easements needed in order  
2 to complete the project.

3 6. According to the Request, the two of the four necessary easements have been  
4 recorded, but the properties on which the remaining two easements are situated are presently in  
5 escrow pending the sale of properties.

6 7. As of the date of the Request, Ashcreek expected the sale of the first property to occur  
7 at the end of December 2008. The second property is the subject of an application filed with the  
8 Commission for Sale of Assets, Docket No. W-02494A-08-0557. The Company is not certain when  
9 Commission approval of the sale of the second property will issue. As such, Ashcreek requests an  
10 additional six months to comply with the Decision.

11 8. Staff contacted Ashcreek's Interim Manager and confirmed that the Company is ready  
12 to move forward with installation of the storage tank once the easement issues are resolved.

13 9. Staff notes that the Sale of Assets Application is "pending and has no time clock  
14 attached, [and] the completion date for that case is unknown."<sup>2</sup> Staff stated that, in addition to the  
15 easement issues, the Company must also complete the bidding and construction of the storage tank,  
16 and the extension of time requested by Ashcreek may need to be extended further.

17 10. Given the foregoing, Staff does not object to the Company's Request and recommends  
18 that the December 31, 2008, deadline for filing of the AOC should be extended until December 31,  
19 2009.

20 11. We find that Staff's recommendation is reasonable and shall be adopted.

### 21 CONCLUSIONS OF LAW

22 1. Ashcreek is a public service corporation within the meaning of Article XV of the  
23 Arizona Constitution and A.R.S. §§40-281 and 40-282.

24 2. The Commission has jurisdiction over Ashcreek and the subject matter of the request  
25 for extension for time to comply with Commission Decision No. 70409.

26 3. Staff's recommendation is reasonable and should be adopted.  
27

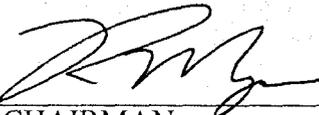
28 <sup>2</sup> Staff Memorandum, page 1.

ORDER

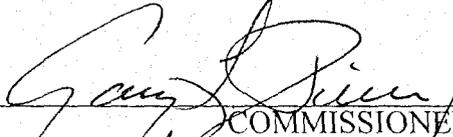
IT IS THEREFORE ORDERED that Ashcreek Water Company's request for extension of time to comply with Decision No. 70409, is granted, extending the compliance deadline for filing the Approval of Construction of the 20,000 gallon storage tank until December 31, 2009.

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

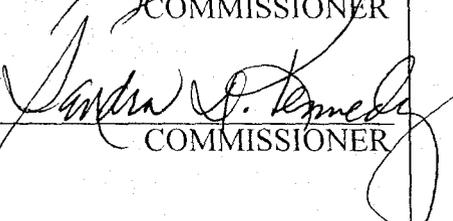
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.



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 17th day of MARCH, 2009.



MICHAEL P. KEARNS  
INTERIM EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: ASHCREEK WATER COMPANY

2 DOCKET NO.: W-02494A-07-0681

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Bevan Barney, Interim Manager  
ASHCREEK WATER COMPANY  
P.O. Box 825  
Thatcher, Arizona 85552-0825

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007