



0000095446

ORIGINAL

MEMORANDUM

TO: Docket Control

FROM: Ernest G. Johnson
Director
Utilities Division

Date: April 15, 2009

RE: **AMENDED STAFF REPORT FOR THE APPLICATION OF MOHAWK UTILITY COMPANY, INC. FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET NO. W-02341A-06-0040)**

Attached is the Staff Report for the application of Mohawk Utility Company, Inc. for Commission authorization to extend its Certificate of Convenience and Necessity. Staff recommends Mohawk Utility Company be granted an Order Preliminary for the requested area.

EGJ:KMS:red

Originator: Kiana M. Sears

Attachment: Original and 13 Copies

Arizona Corporation Commission

DOCKETED

APR 15 2009

DOCKETED BY

AZ CORP COMMISSION
DOCKET CONTROL

2009 APR 15 P 3:21

RECEIVED

Service List for: Mohawk Utility, Inc.
Docket No. W-02341A-06-0040

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Chief, Hearing Division
Arizona Corporation Commission
1200 West Washington Street

AMENDED STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION

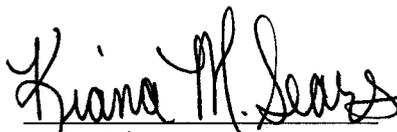
MOHAWK UTILITY COMPANY, INC.
DOCKET NO. W-02341A-06-0040

APPLICATION FOR EXTENSION
OF CERTIFICATE OF
CONVENIENCE & NECESSITY

APRIL 15, 2009

STAFF ACKNOWLEDGMENT

The Staff Report for Mohawk Utility Company, Docket No. W-02341A-06-0040 was the responsibility of the Staff members listed below. Kiana M. Sears was responsible for preparing the Staff Report and Del Smith prepared the Engineering Report.


Kiana M. Sears
Executive Consultant I


Del Smith
Utilities Engineer

EXECUTIVE SUMMARY
MOHAWK UTILITY COMPANY, INC.
DOCKET NO. W-02341A-06-0040

On January 24, 2006, Mohawk Utility Company, Inc. ("Mohawk" or "Company") filed an application with the Arizona Corporation Commission ("ACC" or "Commission") for authorization to extend its current Certificate of Convenience and Necessity ("CC&N") to three new sections, contiguous to its certificated area. The extension areas identified are all in Township 8 South, Range 17 West of the Gila and Salt River Base and Meridian in Yuma County, Arizona. The Section 26 extension area includes the Northwest quarter of Section 26. The Section 27 extension area includes the South one-half of the Southwest one-quarter of Section 27. The Section 28 extension area includes the South one-half of the Southeast one-quarter of Section 28. The application has been amended to delete the request for Section 28 from the application.

Staff found that Mohawk is in good standing with the Corporations Division of the Commission and has no compliance issues with the Compliance Section of the Utilities Division. Also, the Arizona Department of Environmental Quality ("ADEQ") has determined that the Company is providing water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.

Further, Staff found that the Company's satisfactory history of operating water systems in Arizona indicates that it is a fit and proper entity to operate water systems in the requested extension areas. Since Mohawk is currently short on storage capacity and not in compliance with Arizona Department of Water Resources ("ADWR") requirements, Staff recommends that the Commission grant Mohawk an Order Preliminary for the requested area with the following conditions:

1. Staff recommends that Mohawk file with the Commission's Docket Control, as a compliance item in this docket, a copy of the ADEQ Approval of Construction ("AOC") for at least 20,000 gallons of additional storage by December 31, 2009.
2. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of the ADWR Letter of Adequate Water Supply for each subdivision in the requested areas, when received by the Company, but no later than 30 days after issuance by ADWR.
3. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, documentation showing that ADWR has determined that Mohawk is in compliance with departmental requirements governing water providers and/or community water systems by December 31, 2009.
4. Staff further recommends that Mohawk charge its customers its current authorized rates and charges in the extension area.

5. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of the Approval to Construct issued by ADEQ for water plant facilities needed to serve the requested area by January 1, 2011.
6. Staff further recommends that, on completion of requirements Nos. 1 and 3 contained above for the area described in Attachment B, Mohawk shall, by June 30, 2010, file a motion in this docket requesting that the Commission grant the CC&N for the area described in Attachment B.
7. Staff further recommends that, within 30 days after Mohawk files their motion and on Staff's verification that the Company has satisfied requirement Nos. 1 and 3 listed above for the area described in Attachment B, Staff shall prepare and docket a Recommended Order granting the CC&N for the area described in Attachment B for Commission approval.
8. Staff further recommends that if Mohawk fails to timely comply with either requirement No. 1 or 3 listed above pertaining to the area described in Attachment B, the Order Preliminary approved for the area described in Attachment B shall be null and void, and Staff shall file a memorandum to close this docket.

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INTRODUCTION

On January 24, 2006, Mohawk Utility Company Inc. ("Mohawk" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for extension of its water Certificate of Convenience and Necessity ("CC&N") to new sections within Yuma County. The requested extension areas are contiguous to its current CC&N.

The Company is a corporation in good standing with the Corporations Division of the Commission and has no outstanding compliance issues in the records of the Compliance Section of the Utilities Division.

REQUESTED CC&N EXTENSION AREAS

The extension areas, which are identified according to the Section each is located in, are all in Township 8 South, Range 17 West of the Gila and Salt River Base and Meridian in Yuma County, Arizona. The Section 26 extension area includes the Northwest quarter of Section 26. The Section 27 extension area includes the South one-half of the Southwest one-quarter of Section 27.

EXISTING WATER SYSTEMS

The Mohawk Irrigation District Canal just to the north of the Mohawk water treatment plant is the source for the domestic untreated water being used by Mohawk to serve its customer base. Water is treated and stored at the water treatment plant before being delivered to customers. The water treatment plant and system (water source capacity 250 gallons per minute ("GPM")) consist of two 7.5 horsepower booster pumps, four 10,000 gallon storage tanks, one 2,000 gallon pressure tank, two rapid sand filters, one Anthracite filter, gas chlorination system and a distribution system serving 130 customers in December 2007. The historical growth rate since 2000 has been very modest, with just over three new connections added per year. Based on Water Use Data information reported in the Company's 2007 Annual Report filing, Staff concludes that this system does not have adequate storage capacity to serve the existing base of customers. Staff understands that Mohawk has plans to add an additional 20,000 gallons of storage.

PROPOSED WATER SYSTEM

The Company provided cost estimates to expand the capacity of its existing water treatment plant located in the Section 27 extension area so it can be used to serve the planned development in the Section 26 extension area. Specifically, the Company plans to install additional storage capacity (two 50,000 gallon storage tanks in addition to the above 20,000 gallons) and water treatment plant to serve future growth. The cost to construct a new 6-inch main to interconnect the Section 26 extension area with Mohawk's existing treatment plant was

also provided.¹ Staff concludes that the Company's proposed water system should have adequate capacity to serve the requested areas within a conventional five year planning period and can reasonably be expected to develop additional capacity as required in the future.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY COMPLIANCE SECTION

ADEQ has indicated in its issued status report that the Company is currently delivering water that meets water quality standards required by the Arizona Administrative Code, Title 18, Chapter 4. ADEQ regulates the water system under ADEQ Public Water System I.D. # 14-030. ADEQ has determined that this system is in full compliance with ADEQ requirements and is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, and Chapter 4.

ARIZONA DEPARTMENT OF WATER RESOURCES ("ADWR")

Mohawk is not located in any Active Management Area ("AMA"), as designated by ADWR. The Company is not currently in compliance with ADWR. The Company needs to submit a water plan report.

ADWR has issued a Water Report for the area being requested. Mohawk has a contract for the availability of 200 acre-feet per calendar year of domestic water with Wellton-Mohawk Irrigation and Drainage District ("District"). ADWR records indicate that Mohawk served 63 acre-feet during 2006. Without considering any new uses since that date, there are approximately 137 acre-feet of water physically available to support Mohawk's water service to customers in an expanded CC&N area. Company data indicates that approximately 100 acre-feet of water will be needed annually to serve the expanded CC&N area.

CURTAILMENT TARIFF

The Company has an approved curtailment tariff on file with the Commission.

COST ANALYSIS

The Company submitted the Engineer's Estimate, prepared by Don Dillon, CMX Group, which included a breakdown of the proposed water system component costs and a total projected cost of \$412,200. The Company is planning to fund the proposed plant facilities by advances in aid of construction through the use of Main Extension Agreements.

Staff concludes that the proposed plant facilities to serve the requested area and its cost estimate totaling \$412,200 appear to be reasonable. However, no "used and useful"

¹ The Company's costing engineer recommended that a new water treatment plant near the point of delivery in Section 26 be evaluated prior to implementing the proposed plan to expand Mohawk's existing water treatment plant (Source: Company Data Response Docketed July 7, 2008).

determination of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.

FRANCHISE

Applicants for a CC&N extension are required to submit to the Commission evidence showing requisite consent, franchise or permit by an appropriate authority. Mohawk has obtained the necessary documentation to provide water for domestic as well as commercial purposes within Yuma County, Arizona.

PROPOSED RATES AND CHARGES

Staff recommends that the Company serve the requested extension areas under its authorized rates and charges.

CONCLUSIONS AND RECOMMENDATIONS

Based on Mohawk's proposal, its current experience in operating a water utility in Arizona, and compliance record with Arizona regulatory agencies; Staff concludes that the Company is a fit and proper entity to serve the extension area. Based on the documented demand for service in the requested area, Staff finds that it is in the public interest to grant Mohawk an Order Preliminary for the requested extension area.

Staff further recommends that the Company be ordered to comply with the following conditions of approval:

1. Staff recommends that Mohawk files with the Commission's Docket Control, as a compliance item in this docket, a copy of the ADEQ's Approval of Construction ("AOC") for at least 20,000 gallons of additional storage by December 31, 2009.
2. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of ADWR's Letter of Adequate Water Supply for each subdivision in the requested areas, when received by the Company, but no later than 30 days after issuance by ADWR.
3. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, documentation showing that ADWR has determined that Mohawk is in compliance with departmental requirements governing water providers and/or community water systems by December 31, 2009.
4. Staff further recommends that Mohawk charge its customers its current authorized rates and charges in the extension area.

5. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of the Approval to Construct issued by ADEQ for water plant facilities needed to serve the requested area by January 1, 2011.
6. Staff further recommends that, on completion of requirements Nos. 1 and 3 contained above for the area described in Attachment B, Mohawk shall, by June 30, 2010, file a motion in this docket requesting that the Commission grant the CC&N for the area described in Attachment B.
7. Staff further recommends that, within 30 days after Mohawk files their motion and on Staff's verification that the Company has satisfied requirement Nos. 1 and 3 listed above for the area described in Attachment B, Staff shall prepare and docket a Recommended Order granting the CC&N for the area described in Attachment B for Commission approval.
8. Staff further recommends that if Mohawk fails to timely comply with either requirement No. 1 or 3 listed above pertaining to the area described in Attachment B, the Order Preliminary approved for the area described in Attachment B shall be null and void, and Staff shall file a memorandum to close this docket.

MEMORANDUM

TO: Kiana Sears
Executive Consultant I

FROM: Del Smith *DS*
Utilities Engineer Supervisor

DATE: March 26, 2009

RE: MOHAWK UTILITY COMPANY, INC.
DOCKET NO. W-02341A-06-0040 (CC&N EXTENSION)

Introduction

On February 18, 2009, Mohawk Utility Company, Inc. ("Mohawk" or "Company") filed a letter formally amending the subject application. On March 18, 2009, the Administrative Law Judge in this matter issued a procedural order requiring Arizona Corporation Commission ("ACC" or "Commission") Utilities Division Staff ("Staff") to file on or before 4:00 p.m. on May 1, 2009, an updated Staff Report which addressed the Company's amended application. This memorandum is being issued to update Staff's engineering analysis.

On January 24, 2006, Mohawk applied with the ACC to extend its Certificate of Convenience and Necessity ("CC&N") to provide water service to what has been identified as three separate areas. These areas are the pink highlighted areas depicted in Figure 1.¹

The extension areas, which are identified according to the Section each is located in, are all in Township 8 South, Range 17 West of the Gila and Salt River Base and Meridian in Yuma County, Arizona. The Section 26 extension area includes the Northwest quarter of Section 26. The Section 27 extension area includes the South one-half of the Southwest one-quarter of Section 27. The Section 28 extension area includes the South one-half of the Southeast one-quarter of Section 28.

¹ The extension area requested by Mohawk in its application filed on January 24, 2006, consisted of approximately two and one-quarter square miles and included areas that had previously been requested in a CC&N extension application filed by Tacna Water Management Company, Inc. ("Tacna") in Docket No. W-01344A-04-0815. The extension area described above is defined in a settlement agreement Mohawk entered into with Tacna. This agreement settled the dispute between the two Companies over the contested service areas and facilitated the issuance of Decision No. 69208 which approved an extension of Tacna's CC&N (Source: Tacna filed a copy of the settlement with Mohawk in this docket on May 16, 2006).

Mohawks existing CC&N is located primarily in the Southwest quarter of Section 26 and consists of roughly 180 acres and includes approximately 108 lots.² The extension area overall consists of approximately 320 acres and includes plans for approximately 135 lots. The Section 26 extension area which is labeled in Figure 1 as the Jennings Parcel, when fully developed will consist of 65 lots. The Section 27 extension area includes plans for approximately 70 lots. As depicted in Figure 1 the Section 27 extension area includes six existing service connections and the Mohawk water treatment plant in the northwest corner. Finally, the Section 28 extension area, labeled in Figure 1 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. In the February 18, 2009 filing, Mohawk formally amended its application to exclude Section 28 from the area the Company was requesting be included in its CC&N.

Mohawk Water System

The Mohawk Irrigation District Canal just to the north of the Mohawk water treatment plant (see Figure 1) is the source for the domestic untreated water being used by Mohawk to serve its customer base. Water is treated and stored at the water treatment plant before being delivered to customers. The water treatment plant and system (water source capacity 250 gallons per minute ("GPM")) consisted of two 7.5 horsepower booster pumps, four 10,000 gallon storage tanks, one 2,000 gallon pressure tank, two rapid sand filters, one Anthracite filter, gas chlorination system and a distribution system serving 130 customers in December 2007.³ The historical growth rate since 2000 has been very modest, with just over three new connections added per year.⁴ Based on Water Use Data information reported in the Company's 2007 Annual Report filing, Staff concludes that this system does not have adequate storage capacity to serve the existing base of customers. Staff understands that Mohawk has plans to add an additional 20,000 gallons of storage.

Mr. Robert Chris Rockwell, Mohawk's President/Owner, is also the water system certified operator, Arizona Department of Environmental Quality ("ADEQ") License No. 03587. Mr. Rockwell's license expired on June 30, 2008. In its February 18, 2009 filing Mohawk reported "we are working diligently with ADEQ to get our current operator recertified". In a recent email the Company informed Staff that ADEQ had recertified Robert Chris Rockwell until 2011. The attached document labeled Figure 2 was obtained

² Mohawk's existing CC&N also includes that portion of the Northwest ¼ of Section 35 lying northerly of highway 80 which consists of approximately 20 to 30 acres.

³ Information contained in Mohawk's 2007 Commission Annual Report.

⁴ Commission Annual Report data indicates growth in connections per year averaged 3.1 for the period of 2000 through 2006.

from ADEQ's Operator Certification Database⁵. This 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.

Water System Infrastructure Expansion

The Company provided cost estimates to expand the capacity of its existing water treatment plant located in the Section 27 extension area so it can be used to serve the planned development in the Section 26 extension area. Specifically, the Company plans to install additional storage capacity (two 50,000 gallon storage tanks in addition to the above 20,000 gallons) and water treatment plant to serve future growth. The cost to construct a new 6-inch main to interconnect the Section 26 extension area with Mohawk's existing treatment plant was also provided.⁶ Staff concludes that the Company's proposed water system should have adequate capacity to serve the requested areas within a conventional five year planning period and can reasonably be expected to develop additional capacity as required in the future.

Cost Estimates

The Company submitted the Engineer's Estimate, prepared by Don Dillon, CMX Group, which included a breakdown of the proposed water system component costs and a total projected cost of \$412,200.⁷

A summary of the plant facilities expansion and related cost estimates are as follows:

⁵ Staff downloaded and printed the attached certification information from ADEQ's website.

⁶ The Company's costing engineer recommended that a new water treatment plant near the point of delivery in Section 26 be evaluated prior to implementing the proposed plan to expand Mohawk's existing water treatment plant (Source: Company Data Response Docketed July 7, 2008).

⁷ Cost Estimates are preliminary and cover the expansion of needed off-site infrastructure. These estimates do not include the cost of distribution plant for the delivery of water to any individual home sites within a proposed development (Source: Company Data Response Docketed July 7, 2008).

#	Description	Amount	Unit Cost	Cost
1	5,200 linear feet of 6 inch ductile iron pipe	5,200	\$ 33.00	\$ 171,600.00
2	6 inch valves	4	\$ 1,000.00	\$ 4,000.00
3	2 inch air release valves	1	\$ 1,600.00	\$ 1,600.00
4				
5	Water Plant additions/upgrades:			\$ 200,000.00
6	Pressure Pump			
7	Hydrostatic Tank			
8	Sand Filter Expansion			
9	Chemical System Expansion			
10	New storage tank			
11	Electrical Controls			
12				
13	Engineering costs			\$ 25,000.00
14	Survey costs			\$ 5,000.00
15	Permits and Contingency			\$ 5,000.00
Total				\$ 412,200.00

The Company is planning to fund the proposed plant facilities by advances in aid of construction through the use of Main Extension Agreements.

Staff concludes that the proposed plant facilities to serve the requested area and its cost estimate totaling \$412,200 appear to be reasonable. However, no "used and useful" determinations of the proposed plant items were made and no particular treatment should be inferred for rate making or rate base purposes.

ADEQ Compliance

Compliance Status

ADEQ regulates the water system under ADEQ Public Water System I.D. # 14-030. ADEQ has determined that this system is in full compliance with ADEQ requirements and is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.⁸

Approval to Construct ("ATC")

The Company has not yet obtained the ADEQ ATC for the proposed water plant facilities needed to serve the requested area.

⁸ ADEQ Drinking Water Compliance Status Report dated August 4, 2008.

Arizona Department of Water Resources (“ADWR”) Compliance

Compliance Status

Mohawk is not located in an Active Management Area. ADWR has determined that Mohawk is currently not in compliance with departmental requirements governing water providers and/or community water systems. Mohawk has not submitted a system water plan.⁹

Adequate Water Supply

ADWR has issued a Water Report for the area being requested. Mohawk has a contract for the availability of 200 acre-feet per calendar year of domestic water with Wellton-Mohawk Irrigation and Drainage District (“District”). ADWR records indicate that Mohawk served 63 acre-feet during 2006. Without considering any new uses since that date, there are approximately 137 acre-feet of water physically available to support Mohawk’s water service to customers in an expanded CC&N area. Company data indicates that approximately 100 acre-feet of water will be needed annually to serve the expanded CC&N area.

ACC Compliance

A check with the Utilities Division Compliance Section showed that there are currently no delinquent compliance items for the Company.¹⁰

Curtailment Tariff

The Company has an approved curtailment tariff.

Backflow Prevention Tariff

The Company has an approved backflow prevention tariff.

Summary

Conclusions

1. Staff concludes that the Mohawk system does not have adequate storage capacity to serve the existing base of customers.

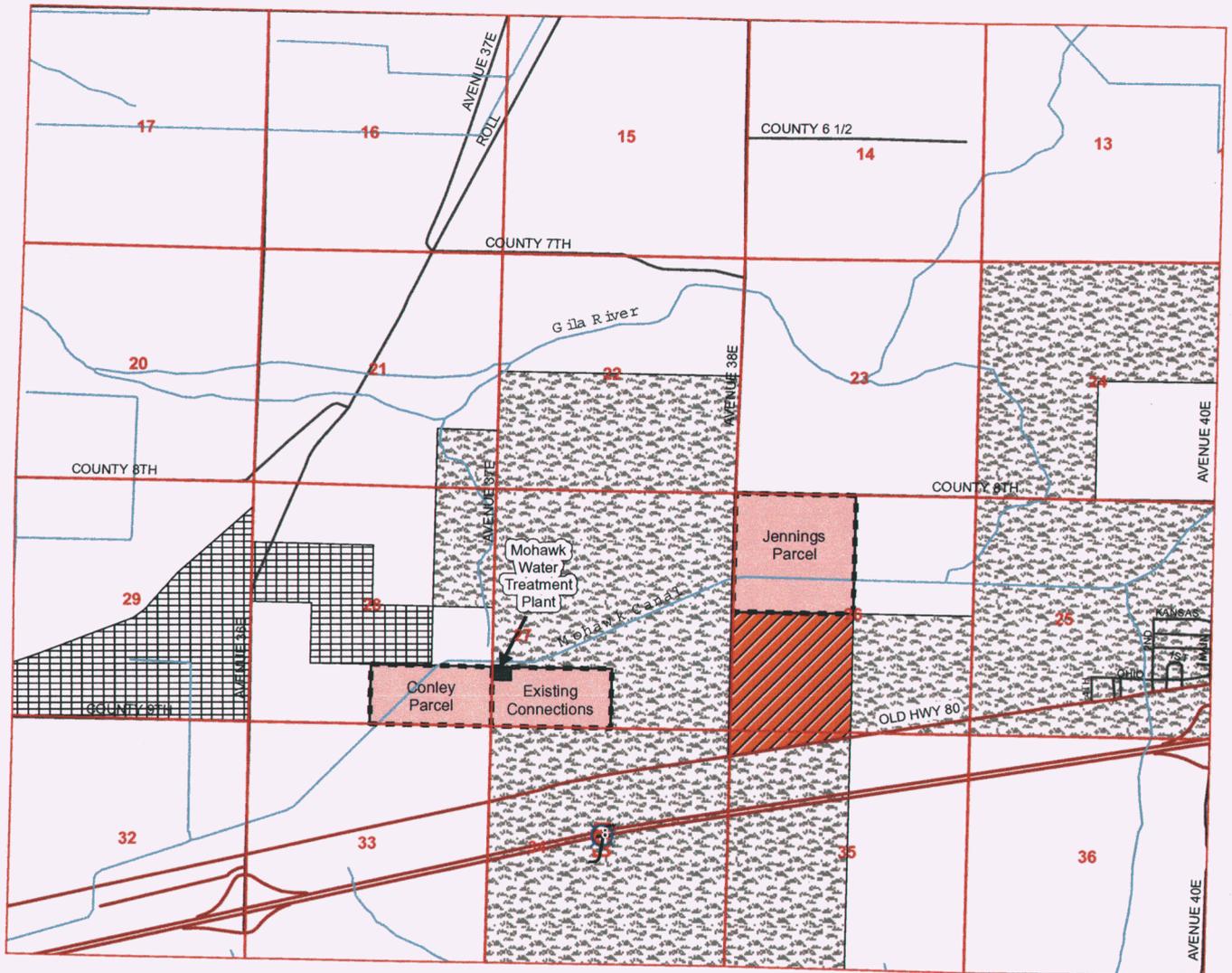
⁹ Per ADWR Water Provider Compliance Status Report dated August 15, 2008.

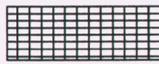
¹⁰ Per ACC Compliance status check dated July 31, 2008.

2. ADEQ reported that the Company's existing water system is currently delivering water that meets water quality standards required by Arizona Administrative Code, Title 18, Chapter 4.
3. Staff concludes that the proposed plant facilities to serve the requested area and its cost estimate totaling \$412,200 appear to be reasonable.
4. The Company has not yet obtained the ADEQ ATC for the proposed water plant facilities needed to serve the requested area.
5. ADWR has determined that Mohawk is currently not in compliance with departmental requirements governing water providers and/or community water systems.
6. ADWR has issued a Water Report for the area being requested.
7. A check with Utilities Division Compliance Section showed that there are currently no delinquent compliance items for the Company.
8. The Company has approved curtailment and backflow prevention tariffs.

Recommendations

1. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of the Approval of Construction issued by ADEQ for at least 20,000 gallons of additional storage (for a total system storage capacity of 60,000 gallons) by December 31, 2009.
2. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, documentation showing that ADWR has determined that Mohawk is in compliance with departmental requirements governing water providers and/or community water systems by December 31, 2009.
3. Staff further recommends that the Company file with Docket Control, as a compliance item in this docket, a copy of the Approval to Construct issued by ADEQ for water plant facilities needed to serve the requested area by January 1, 2011.



 W -2005
Antelope Water Company

 W -2341
Mohawk Utility Company

 W -1344
Tacna Water Management Company


Mohawk Utility Company
Docket No. W -02341A -06-0040
Application for Extension

Figure 1

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](#)

MEMORANDUM

TO: Kiana Sears
Executive Consultant I
Utilities Division

FROM: Barb Wells *bw*
Information Technology Specialist
Utilities Division

THRU: Del Smith *DS*
Engineering Supervisor
Utilities Division

DATE: April 7, 2009

RE: **MOHAWK UTILITY COMPANY, INC. (DOCKET NO. W-02341A-06-0040)**
SECOND AMENDED LEGAL DESCRIPTION

Attached is a copy of an amended legal description filed by Mohawk in response to the Procedural Order dated November 10, 2008. This legal description should be used in place of the original and any subsequent description submitted with the application.

Also attached are copies of the maps for your files.

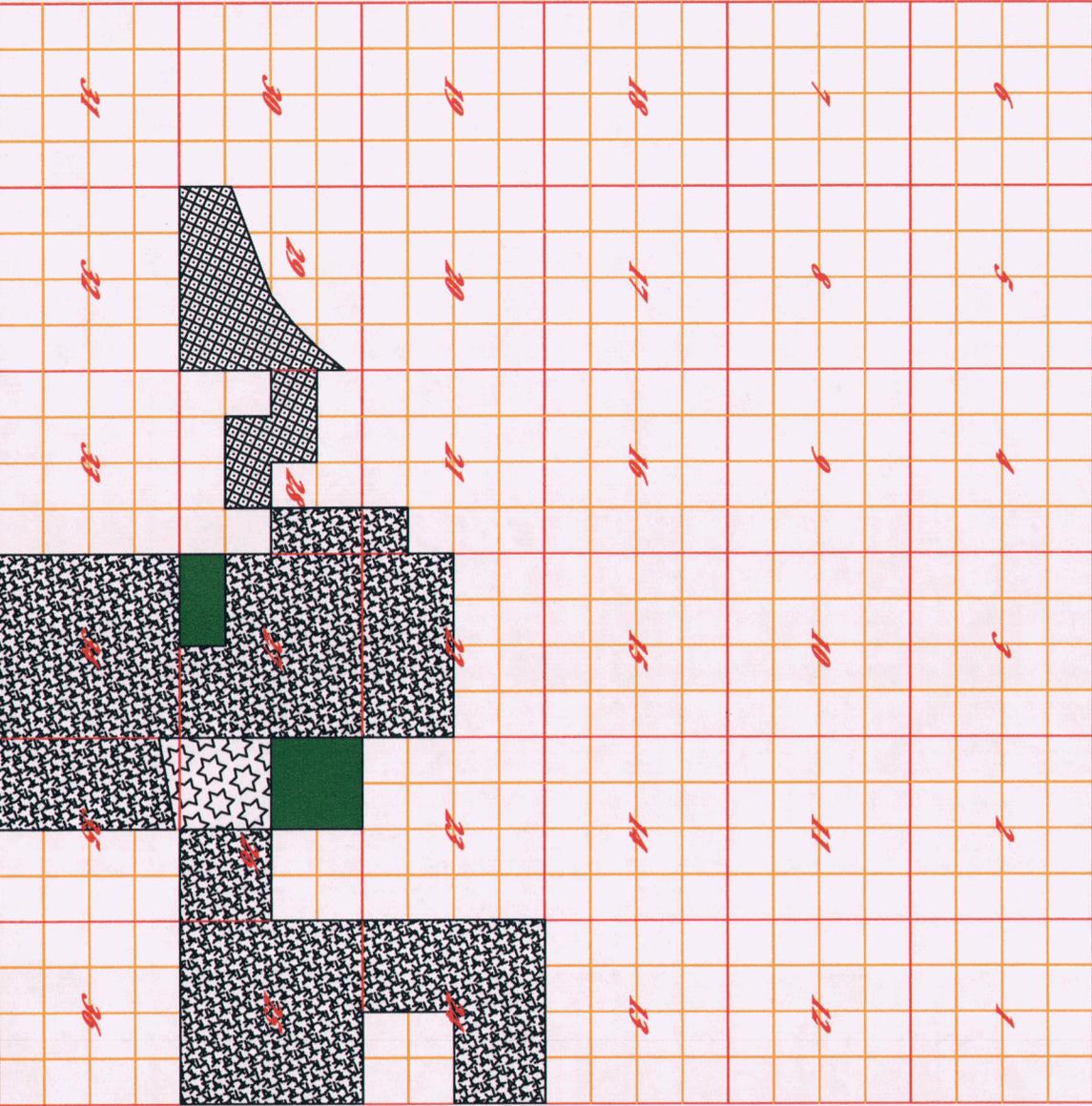
:bsw

Attachments

cc: Mr. Robert Chris Rockwell
Ms. Deb Person (Hand Carried)
Mr. Del Smith

COUNTY: Yuma

RANGE 17 West



TOWNSHIP 8 South



W-2005 (1)

Antelope Water Company



W-2341 (1)

Mohawk Utility Company

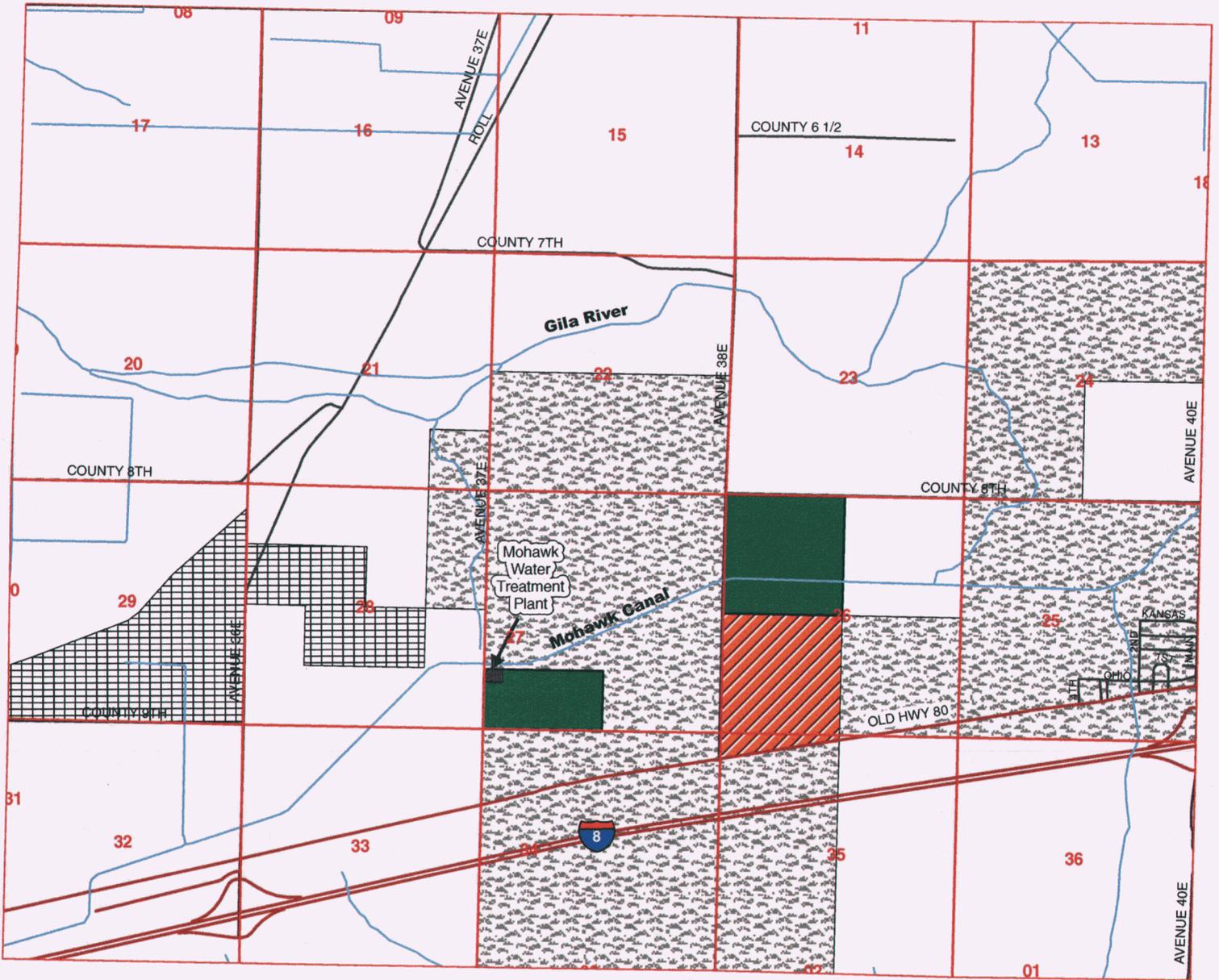


W-1344 (3)

Tacna Water Management Company



Mohawk Utility Company
Docket No. W-02341A-06-0040
Second Amended Application for Extension



W-2005

Antelope Water Company



W-2341

Mohawk Utility Company



W-1344

Tacna Water Management Company



Mohawk Utility Company

Docket No. W-02341A-06-0040

Second Amended Application for Extension