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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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1 COMMISSIONERS

- 3 KRISTIN K. MAYES, Chairman
- 4 GARY PIERCE
- 4 PAUL NEWMAN
- 5 SANDRA D. KENNEDY
- 5 BOB STUMP

6 IN THE MATTER OF THE APPLICATION OF
7 WILLOW VALLEY WATER COMPANY FOR
8 AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01732A-05-0532

PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On March 23, 2006, the Arizona Corporation Commission ("Commission") issued Decision
 11 No. 68610 which approved the application of Willow Valley Water Company ("Company" or
 12 "Applicant") for an extension of its Certificate of Convenience and Necessity ("Certificate") to
 13 provide public water utility service to 48 acres of land consisting of Parcels A, B and C in Mohave
 14 County, Arizona. As a condition of the Commission's approval, the Company was to file, by March
 15 23, 2007, copies of the developer's Letter(s) of Adequate Water Supply ("LAWS") which is to be
 16 issued by the Arizona Department of Water Resources ("ADWR") for each parcel.

17 On March 21, 2007, the Company filed a Motion for Extension of Time ("Motion") to file
 18 copies of the developer's LAWS stating that it needed an additional twelve months, until March 23,
 19 2008, to secure and file copies of the LAWS to be issued by ADWR. The developer was
 20 encountering delays due to litigation which involved the Mohave Valley Irrigation and Drainage
 21 District ("MVIDD") and a 2005 recall election that involved its board of directors.

22 On April 4, 2007, the Commission's Utilities Division ("Staff") filed a Memorandum which
 23 stated that Staff did not object to the Company's Motion and recommended that the requested
 24 extension be approved.

25 On April 19, 2007, by Procedural Order, an extension of time was granted for the Company to
 26 file copies of the developer's LAWS by March 23, 2008.

27 On March 21, 2008, the Company requested an additional one year extension of time, until
 28

1 March 23, 2009, in which to file a copy of the developer's LAWS for Parcel C to be issued by
2 ADWR. The Applicant in the proceeding had secured and filed copies of the developer's LAWS for
3 Parcels A and B in the extension area. In its March 2008 filing, the Company stated that the
4 developer was preceding the development of Parcel C and had experienced some delays with the
5 Mohave County Planning and Zoning Department ("MCPZD"). At that time, the developer expected
6 to resolve those issues with the MCPZD after which the developer would secure a LAWS for Parcel
7 C and provide it to the Company to file with the Commission if an extension was granted.

8 On April 16, 2008, Staff filed a Memorandum which recommended approval of the
9 Company's request for an extension of time, until March 23, 2009, in order to file a copy of the
10 developer's LAWS for Parcel C.

11 On April 29, 2008, by Procedural Order, the Company was granted an extension of time, until
12 March 23, 2009, in which to file a copy of the developer's LAWS for Parcel C.

13 On March 23, 2009, the developer of the parcels, McKellips Land Corporation ("MLC"), filed
14 an Application to Intervene ("Application") in this docket. MLC described what has happened since
15 the granting of the extension of the Company's Certificate on March 23, 2006, and requested
16 intervention pursuant A.A.C. R14-3-105(A) because it alleges that it is directly and substantially
17 affected by the Commission's proceedings.

18 In the Application, MLC further indicates that the Company does not oppose its Application.
19 Additionally, together with its Application, MLC filed a Conditional Motion for Extension of Time
20 ("Conditional Motion"), until March 23, 2010, in which to secure a LAWS for Parcel C and provide
21 it to the Company for filing in compliance with the Commission's Decision No. 68610. Under the
22 circumstances, it is appropriate that Staff and the Company file a response to MLC's Application and
23 to the Conditional Motion.

24 **IT IS THEREFORE ORDERED that Willow Valley Water Company, Inc. file a response**
25 **and/or join in the Conditional Motion for an Extension of Time to secure a copy of the LAWS for**
26 **Parcel C which was filed by McKellips Land Corporation by April 30, 2009.**

27 ...

28 ...

1 IT IS FURTHER ORDERED that the **Commission's Utilities Division** file a response and/or
2 memorandum by **May 10th, 2009**, to the aforementioned filings.

3 Dated this 17th day of April, 2009.

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6 
7 **MARCE. STERN**
8 **ADMINISTRATIVE LAW JUDGE**

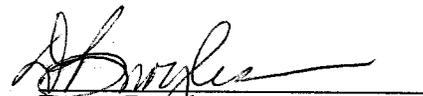
9 Copies of the foregoing mailed/delivered
10 this 7th day of April, 2009 to:

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24 By: 
25 **Debra Broyles**
26 **Secretary to Marc E. Stern**