

ORIGINAL

OPEN MEETING ITEM



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



RECEIVED

Interim Executive Director

ARIZONA CORPORATION COMMISSION

2009 MAY 13 P 1:26

DATE: MAY 13, 2009  
DOCKET NO: SW-02519A-06-0078  
TO ALL PARTIES:

AZ CORP COMMISSION  
DOCKET CONTROL

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

GOLD CANYON SEWER COMPANY  
(EXTENSION OF TIME DEADLINE CONTAINED  
IN DECISION NO. 70210)

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:

MAY 22, 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:

MAY 27, 2009 and MAY 28, 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.

Arizona Corporation Commission  
DOCKETED

MAY 13 2009

MICHAEL P. KEARNS  
INTERIM EXECUTIVE DIRECTOR

DOCKETED BY

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

[www.azcc.gov](http://www.azcc.gov)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SBernal@azcc.gov](mailto:SBernal@azcc.gov)

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

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

8 IN THE MATTER OF THE APPLICATION  
9 OF GOLD CANYON SEWER COMPANY  
10 FOR AN EXTENSION OF ITS EXISTING  
11 CERTIFICATE OF CONVENIENCE AND  
12 NECESSITY IN PINAL COUNTY, ARIZONA

DOCKET NO. SW-02519A-06-0078

DECISION NO. \_\_\_\_\_

**ORDER EXTENDING  
COMPLIANCE DEADLINE  
CONTAINED IN DECISION NO.  
70210**

12 Open Meeting  
13 May 27 and 28, 2009  
14 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 \* \* \* \* \*

16 Having considered the entire record herein and being fully advised in the premises, the  
17 Commission finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On February 8, 2006, Gold Canyon Sewer Company ("Gold Canyon" or "Applicant")  
20 filed with the Arizona Corporation Commission ("Commission") an application for an extension of  
21 its Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.

22 2. On March 20, 2008, the Commission issued Decision No. 70210, approving Gold  
23 Canyon's application for an extension of its CC&N to include 19 acres adjacent to its current  
24 certificated area. Decision No. 70210 ordered Gold Canyon, among other things, to file as a  
25 compliance item within 365 days of the Decision, a copy of the Franchise Agreement with Pinal  
26 County, which included the extension area.

27 3. On March 18, 2009, Gold Canyon filed a Motion for Extension of Time to File Pinal  
28 County Franchise Agreement ("Motion"). Gold Canyon attached to its Motion a copy of the franchise

1 amendment application, which shows it was filed with Pinal County on May 13, 2008. The Motion  
 2 states that on March 3, 2009, Gold Canyon received a draft Fourth Amended Franchise Agreement  
 3 from Pinal County and on March 11, 2009, Gold Canyon submitted comments on the draft  
 4 agreement. According to the Motion, the franchise amendment application must be finalized, notice  
 5 of the franchise amendment application must be published for a minimum of three weeks, and the  
 6 Pinal County Board of Supervisors must vote on the amended franchise to approve it. Based on those  
 7 factors, Gold Canyon does not believe the amended franchise will be approved prior to the March 19,  
 8 2009, deadline established in Decision No. 70210. The Motion further states the franchise  
 9 amendment application was expected to be heard by the Board of Supervisors at its April 29, 2009,  
 10 open meeting.<sup>1</sup> Gold Canyon's Motion requests an extension of time until May 15, 2009.

11 4. On March 27, 2009, the Utilities Division Staff ("Staff") filed a memorandum  
 12 recommending approval of Gold Canyon's Motion. Staff further recommends that in order to allow  
 13 sufficient time for the Pinal County Board of Supervisors to process the amended franchise  
 14 application, an extension of time should be granted until June 26, 2009.

15 5. Gold Canyon has timely requested an extension of time to comply with Decision No.  
 16 70210. Further, Gold Canyon has complied with the other condition set forth in Decision No. 70210  
 17 by docketing the Arizona Department of Environmental Quality Discharge Authorization for the  
 18 facilities needed in the extension area on September 17, 2008. Based on the above information, we  
 19 believe Staff's recommendation that Gold Canyon's application for an extension of time to comply,  
 20 until June 26, 2009, to file the amended Franchise Agreement, is reasonable.

### CONCLUSIONS OF LAW

21  
 22 1. Gold Canyon is a public service corporation within the meaning of Article XV of the  
 23 Arizona Constitution and A.R.S. §§ 40-281, 40-282 and 40-285.

24 2. The Commission has jurisdiction over Gold Canyon and the subject matter of the  
 25 application.

26 3. Staff's recommendation that Gold Canyon receive an extension of time to comply  
 27

28 <sup>1</sup> No subsequent filings were made by Gold Canyon to reflect what action was taken by the Board of Supervisors at its April 29, 2009, open meeting.

1 with Decision No. 70210 is reasonable and should be adopted.

2 **ORDER**

3 IT IS THEREFORE ORDERED that Gold Canyon Sewer Company's request for an  
4 extension of time to comply, until June 26, 2009, to file a copy of the Amended Franchise Agreement  
5 from Pinal County, which includes the CC&N extension area described in Commission Decision No.  
6 70210, is hereby granted.

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

8 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.  
9  
10

11 \_\_\_\_\_  
CHAIRMAN COMMISSIONER

12  
13 \_\_\_\_\_  
COMMISSIONER COMMISSIONER COMMISSIONER

14  
15 IN WITNESS WHEREOF, I, MICHAEL P. KEARNS, Interim  
16 Executive Director of the Arizona Corporation Commission,  
17 have hereunto set my hand and caused the official seal of the  
18 Commission to be affixed at the Capitol, in the City of Phoenix,  
19 this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

20 \_\_\_\_\_  
MICHAEL P. KEARNS  
21 INTERIM EXECUTIVE DIRECTOR

22 DISSENT \_\_\_\_\_  
23

24 DISSENT \_\_\_\_\_  
25  
26  
27  
28

1 SERVICE LIST FOR: GOLD CANYON SEWER COMPANY

2 DOCKET NO.: SW-02519A-06-0078

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