

OPEN MEETING ITEM



0000097353

Interim Executive Director

ORIGINAL

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



ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MAY 26 2009

DATE: MAY 26, 2009

DOCKET NO: WS-01678A-07-0116

TO ALL PARTIES:

DOCKETED BY *MAW*

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

BACA FLOAT WATER COMPANY
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NO. 69949)

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:

JUNE 4, 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:

TO BE DETERMINED

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

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 OF
9 BACA FLOAT WATER COMPANY FOR AN
10 EXTENSION OF ITS EXISTING CERTIFICATE
11 OF CONVENIENCE AND NECESSITY FOR
12 WATER SERVICE.

DOCKET NO. WS-01678A-07-0116

DECISION NO. _____

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 69949

13 Open Meeting
14 Phoenix, Arizona

15 **BY THE COMMISSION:**

16 * * * * *

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

19 **FINDINGS OF FACT**

20 1. In Decision No. 69949 (October 30, 2007), the Commission approved the application
21 of Baca Float Water Company ("Baca Float" or "Company") for an extension of its existing
22 Certificate of Convenience and Necessity for water service.

23 2. As part of Decision No. 69949, the Commission ordered that "... Baca Float Water
24 Company shall file a rate case with the Commission by May 31, 2009, using a 2008 Test Year."

25 3. On April 15, 2009, Baca Float docketed a request for extension of time, until July 31,
26 2009, to file the required rate application. In its application, the Company seeks the extension
27 because the Company's Certified Public Accountant ("CPA"), who it claims is a critical component
28 to compiling the rate application, has been involved in tax preparation surrounding the April 15 tax
season and has not had time to devote the necessary time to prepare the rate application.

4. On May 22, 2009, the Commission's Utilities Division ("Staff") filed a Memorandum

1 in response to the requested extension, and does not object to Baca Float's two month extension
2 request.

3 5. Staff had discussions with the Company's counsel and confirmed the sole reason for
4 the request was the availability of the CPA to prepare the rate application

5 6. Staff recommends that the due date for filing the rate application be extended to July
6 31, 2009, with a 2008 test year.

7 7. On May 22, 2009, the parties participated in a teleconference with the Hearing
8 Division, and confirmed their recommendations.

9 8. The Company filed a timely and reasonable request. Under the circumstances, the
10 Company's request for a relatively short extension will not prejudice any party. The Company's
11 CPA's involvement in the preparation of the application should result in a more thorough and
12 accurate application, and the request is in the public interest.

13 **CONCLUSIONS OF LAW**

14 1. Baca Float is a public service corporation within the meaning of Article XV of the
15 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

16 2. The Commission has jurisdiction over Baca Float and the subject matter of the
17 request.

18 3. The requested extension of time is reasonable and should be approved.

19 **ORDER**

20 IT IS THEREFORE ORDERED that the deadline for Baca Float Water Company to file a rate
21 case, as required in Decision No. 69949, is extended to July 31, 2009, utilizing a test year end of
22 December 31, 2008.

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IT IS FURTHER ORDERED that all other provisions of Decision No. 69949 shall remain in effect.

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, his ____ day of _____, 2009.

MICHAEL P. KEARNS
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: BACA FLOAT WATER COMPANY

2 DOCKET NOS.: WS-01678A-07-0116

3
4 Jeffrey W. Crockett
5 SNELL & WILMER, LLP
6 One Arizona Center
7 400 East Van Buren
8 Phoenix, Arizona 85004
9 Attorneys for Baca Float Water Company

7 Gary Brasher
8 President
9 BACA FLOAT WATER COMPANY
10 Two Tubac Road
11 Post Office Box 1536
12 Tubac, Arizona 85646

10 Janice Alward, Chief Counsel
11 Legal Division
12 ARIZONA CORPORATION COMMISSION
13 1200 W. Washington Street
14 Phoenix, Arizona 85007

14 Ernest Johnson, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 W. Washington Street
18 Phoenix, Arizona 85007

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