ORIGINAL NEW APPLICATION

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BEFORE THE ARIZONA CORPORATION COMMISSION

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BOB STUMP

W-01732A-09-0220

IN THE MATTER OF THE APPLICATION OF WILLOW VALLEY WATER COMPANY FOR A CROSS-CONNECTION BACKFLOW PREVENTION TARIFF.	Docket No. W-01732A-09_____

NOTICE OF FILING A CROSS-CONNECTION BACKFLOW PREVENTION TARIFF

1. Willow Valley Water Company ("Company") submits its cross-connection/backflow prevention tariff ("Tariff"). The Tariff is attached hereto as Exhibit A.

2. The purpose of the requested Tariff is to protect the Utilities water from the possibility of contamination caused by backflow of contaminates that may be present on the customer's premises by requiring the installation and periodic testing of backflow-prevention assemblies pursuant to the provisions of the Arizona Administrative Code ("A.A.C".) R14-2-405.B.6 and A.A.C. R18-4-115.

3. Contact Information

The Company attorneys are:

Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Ste. 800
Phoenix, Arizona 85004
602-526-6100

Arizona Corporation Commission
DOCKETED
MAY -8 2009
DOCKETED BY nr

All data requests or other requests for information should be directed to:

Michael W. Patten
Timothy J. Sabo
Roshka DeWulf & Patten, PLC
One Arizona Center
400 East Van Buren, Ste. 800
Phoenix, Arizona 85004

With a copy to:

Mr. Graham Symmonds
Senior Vice President and Chief Technical Officer
Global Water Management
21410 N. 19th Ave., Ste. 201
Phoenix, Arizona 85027

RESPECTFULLY SUBMITTED this 8th day of May, 2009.

ROSHKA DEWULF & PATTEN, PLC

By _____
Michael W. Patten
Timothy J. Sabo
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

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Original + 13 copies of the foregoing
Notice was filed this 8th day of May 2009, with:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Copies of the foregoing were hand-delivered/mailed
this 8th day of May 2009, to:

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Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
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Phoenix, Arizona 85007

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By Debbie Amaral

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EXHIBIT

"A"

GLOBAL WATER

Willow Valley Water Company

CROSS-CONNECTION OR BACKFLOW TARIFF

PURPOSE:

The purpose of this tariff is to protect Willow Valley Water Company ("WVWC") water from the possibility of contamination caused by the backflow of contaminants that may be present on the customer's premises by requiring the installation and periodic testing of backflow-prevention assemblies pursuant to the provisions of the Arizona Administrative Code ("A.A.C".) R14-2-405.B.6 and A.A.C. R18-4-115

REQUIREMENTS:

In compliance with the Rules of the Arizona Corporation Commission ("Commission") and the Arizona Department of Environmental Quality ("ADEQ"), specifically A.A.C. R14-2 405.B.6 and A.A.C. R18-4-115 relating to backflow prevention:

1. WVWC may require a customer to pay for and to have installed a backflow-prevention assembly if A.A.C. R18-4-115.B or C applies.

2. A backflow-prevention assembly required to be installed by the customer under paragraph 1 of this tariff shall comply with the requirements set forth in A.A.C. R18-4-115.D and E.

3. Subject to the provisions of A.A.C. R14-2-407 and 410, and in accordance with Paragraphs 1 and 7 of this tariff, WVWC may terminate service or may deny service to a customer who fails to install a backflow-prevention assembly as required by this tariff

4. WVWC shall give any existing customer who is required to install a backflow - prevention assembly written notice of said requirement. If A.A.C. R14-2-410.B.1.a. is **not** applicable, the customer shall be given thirty (30) days from the time such written notice is received in which to comply with this notice. If the customer can show good cause as to why he cannot install the device within thirty (30) days, WVWC or Commission Staff may suspend this requirement for a reasonable period of time.

****FOR OFFICIAL USE ONLY****

Effective Date:

5. Testing shall be in conformance with the requirements of A.A.C. R18-4-115.F. WVWC may require the customer to pay to have the backflow prevention assembly tested as long as WVWC does not require an unreasonable number of tests.

6. The customer shall provide WVWC with records of installation and testing. For each backflow-prevention assembly, these records shall include:
   a. assembly identification number and description;
   b. location
   c. date(s) of test(s);
   d. description of repairs and recommendations for repairs made by tester; and
   e. the tester's name and certificate number.

7. In the event the backflow-prevention assembly does not function properly or fails any test, and an obvious hazard as contemplated under A.A.C. R14-2-410.B.1.a. exists, WVWC may terminate service immediately and without notice. The backflow prevention assembly shall be repaired or replaced by the customer and retested.

8. In the event the backflow-prevention assembly does not function properly or fails any test, or in the event that a customer fails to comply with the testing requirement, and A.A.C. R14-2-410.B.1.a. is not applicable, the backflow-prevention assembly shall be repaired or replaced within fourteen (14) days of the initial discovery of the deficiency in the assembly or its function. Failure to remedy the deficiency or dysfunction of the assembly, or failure to retest, shall be grounds for termination of water service in accordance with A.A.C. R14-2-410.

ADDITIONAL INFORMATION: (supplement to the above tariff)

Specific details regarding the WVWC Cross Connection/Backflow Prevention Program are outlined in the following pages.

GLOBAL WATER

Willow Valley Water Company
Cross Connection/Back Flow Prevention Program

Rationale

In accordance with Arizona Administrative Code R18-04-115, a public water system shall protect its system from contamination caused by backflow through unprotected cross-connections by requiring the installation and periodic testing of backflow prevention assemblies. AAC R14-2-405.B.6 requires that any customer's lines be installed so as to prevent cross-connection or backflow.

Willow Valley Water Company ("WVWC") requires backflow prevention assemblies to be installed and/or retrofitted at the service connection of those establishments where there exists a possibility of contamination caused by backflow through unprotected cross-connections which are not specifically exempted by the subject rule.

In all cases, the need for and the type of backflow prevention assembly will be specified by WVWC, and will be located on the customer's side of the service connection. The approved backflow prevention device will be installed, owned, tested and maintained by the customer. The minimum level of backflow protection that is provided to protect a public water system shall be the level recommended in:

Section 7.2 of the Manual of Cross-Connection Control
Ninth Edition, USC-FCCCHR
KAP-200 University Park MC-2531
Los Angeles, California 90089-2531
December 1993 (and no future editions or amendments)

The type of backflow-protection assembly ("BPA") installed will be determined by the relative hazards posed by each customer account in its category. Inspecting and testing of installed BPA's must be conducted by a certified backflow tester who shall submit a written report to WVWC. All BPA's will be subjected to annual testing to be performed by a certified backflow tester.

Procedure for Existing Customers

All customer accounts will be reviewed by customer listing as well as on site surveys as needed, and placed into one of five categories.

Category # 1: Animal clinics, car washes, laundries, pest control, some restaurants, etc.
BPA required: Reduced Pressure Backflow Assembly

Category # 2: Restaurants, schools, medical/dental offices, retail establishments
BPA required: Reduced Pressure Backflow Assembly

Category # 3 Multi-family residences with common and dual plumbing
BPA required: Reduced Pressure or Double Check

Category # 4 Non chemical dispensing irrigation systems and zoned horse and/or animal acreage properties
BPA required: Reduced Pressure or Double Check

Category # 5 Class 1 and 2 fire protection systems
BPA required: To be determined

The type of BPA required will depend upon the level of potential contamination. If the potential is low, then a lower grade of BPA may be installed on receipt of approval by WVWC.

Non- Exempt Single Family Residences

Backflow Prevention Assemblies are required in single family residences if any of the the following conditions exist and subjected to be determined by WVWC:

1. Customer owns a private own well and is served additionally by the utility
   BPA required- **Reduced Pressure**

2. Zoned horse and/or animal acreage properties
   BPA required- **Double Check Valve or Reduced Pressure**

3. Operating a home business whose business is subjected to receipt, generation or storage of hazardous materials
   BPA required- **Double Check Valve or Reduced Pressure**

4. Residential properties where the potential for cross connections exists (eg. landscape irrigation with recycled water, dual water main installations with potable and non-potable water)
   BPA required- **Reduced Pressure**

Procedure for New Construction

WVWC has the sole discretion to require the installation of a backflow prevention assembly (BPA) in order to protect the public water supply. This requirement and type of BPA will be determined at the plan review stage, and may be amended by a Cross-Connection Survey (see Appendix A) completed by WVWC.

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Installation and Testing

The following types of notification will be provided to WVWC:

1. Information letter - This letter is for existing and new customers and explains Backflow prevention and the need for compliance. See **Appendix B.**

2. Notice to install a backflow prevention assembly - Initial notice sent to the customer after the utility establishes the customer's requirement to have a BPA determined by the survey results. The customer is given notice to comply with this requirement within **30** days. See **Appendix C.**

3. Second notice to install or test a BPA - Reminder notice of the requirement to install or test. The customer is given notice to comply with this requirement within **14** days. See **Appendix D.**

4. Final Notice to install or test a **BPA** - Final notice to the customer to comply with the requirement of the backflow prevention program and a determination to disconnect service. See **Appendix E.**

5. Disconnection Notice - Notice to disconnect service with the date of disconnect if customer does not comply with the requirements of the backflow prevention program. See **Appendix F.**

Termination of Service

All customers who fail to comply with the requirements of the backflow prevention program will be notified in accordance with AAC R14-2-410 of the termination of their water service.

If service is terminated, service will not be restored until an approved BPA is installed and tested and any reconnection fees are paid in accordance with WVWC approved tariffs.

Notice

The backflow prevention program is subject to periodic review therefore the procedures may be changed or altered as deemed necessary for the protection of public health. All changes shall comply with the current and/or future laws as well as the rules and regulations of the regulatory agencies. Any and all changes in procedure shall be forwarded to the jurisdictional regulatory agency for review prior to promulgation

GLOBAL WATER

Appendix A

CROSS CONNECTION SURVEY

Date:

Customer:

Water service address:

Account #:

Meter #:

Does the property have a:

Private operating well or other alternate water supply	YES □	NO □
Retention area (pond) supplied by potable water supply	YES □	NO □
Automatic irrigation system or other facility with potential for dispensing of chemical contamination	YES □	NO □
Thermal Solar energy system	YES □	NO □
Agricultural use or livestock (horses) related activity	YES □	NO □
All commercial business	YES □	NO □
Home business using possible hazardous material	YES □	NO □

If you answered **"YES"** to any of the above, you are required to **INSTALL** a Backflow-prevention assembly. It must be **tested** at the time of installation and **ANNUALLY** thereafter. Reminder letters will be sent out each year prior to the anniversary date of the previous year's test.

Type of device required:

- Live stock – Double Check Assembly
- All others – Reduced Pressure Assembly

Thank you for your assistance in the protection of your water supply.

The backflow prevention program is instituted and enforced to help supply all of our customers with potable water that meets the requirements of the Federal Safe Drinking Water Act.

GLOBAL WATER

Appendix B

Backflow Prevention Information

Dear Customer,
This letter is to inform you the **Willow Valley Water Company ("WVWC")** is required to implement a cross connection/backflow prevention program in your service area.

What is backflow prevention?

Backflow prevention protects a public water supply from contamination caused by backflow through unprotected cross-connections. A backflow prevention program is a requirement of the Safe Drinking Water Act and AAC R18-4 *et seq.*

What is a Backflow Prevention Program?

A backflow prevention program requires the installation and annual testing of backflow prevention assemblies in all areas considered to be a potential cross-contamination hazard. A public water system shall maintain records of installations and tests performed on backflow-prevention assemblies in its service area. Records shall be retained by the public water system for at least three years and shall be made available for review by the Arizona Department of Environmental Quality ("ADEQ") or its designee upon request.

What is a backflow prevention assembly device?

A backflow prevention device is a device that prevents the reversal of flow when pressures changes within a distribution system.

Who is Responsible for Acquiring, Installing, Maintaining, and Testing a Backflow Prevention Assembly?

The Customer is responsible for acquiring, installing, maintaining and testing an approved BPA. Testing is required annually. The Customer must contact a certified installer in order to have the **BPA** properly installed. Installation and annual test certificates must be provided to the WVWC.

Where is a backflow prevention assembly installed?

A backflow prevention assembly shall be installed as close as practicable to the service connection. (Usually just past the water meter on the customer's side).

Who is required to have a backflow prevention assembly installed?

1. Any residential service connection with livestock on the premises.
2. Any residential service connection with on site irrigation or dual plumbing,
3. Any residential service connection with a water supply that is not accepted as an additional source by the public water system or is not approved by ADEQ or its designee. (This source is commonly a private well).
4. All commercial establishments.
5. Any connections considered by ADEQ or WVWC to be a hazard.

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Who installs the backflow prevention assemblies?

Installation and testing must be performed by a person who is currently certified as a general tester by the California-Nevada section of the American Water Works Association (CA-NV Section, AWWA), the Arizona State Environmental Technical Training (ASETT) Center, or other certifying authority approved by ADEQ or its designee.

Who will supply the installation and certification information?

Once you have hired a certified tester, the tester must provide WVWC with the original certificate of installation and test. We recommend you retain a copy for your records. It is the customer's responsibility to provide proof of test and certification.

The information that must be supplied:

1. Assembly identification number and description,
2. Location,
3. Date of test,
4. Description of repairs and recommendations for repairs made by the tester, and
5. The tester's name and certificate number.

****Important Information****

In accordance with the Federal Safe Drinking Water Act Amendments of 1986 and the provisions of the Arizona Administrative Code R18-4-115, failure to comply with this requirement shall be sufficient cause for termination of your water service. Upon request, WVWC can provide you with a copy of the Arizona Administrative Code R18-4-115. We appreciate your cooperation in this very important matter. If you should have any questions, please contact our main office at 623-580-9600.

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Appendix C

NOTICE TO INSTALL AND TEST BACKFLOW PREVENTION ASSEMBLY

Date:

Customer:

Water Service Connection at:

Account #:

The Arizona Administrative Code, R18-04-115, as adopted by the Arizona Department of Environmental Quality for Cross-Connection requires mandatory installation and periodic testing of backflow assemblies, where it is determined that backflow is likely to occur.

In accordance with the Federal Safe Drinking Water Act Amendments of 1986 and the provisions of the R18-04-115, you are required to install and annually test one of the following approved backflow prevention assemblies for the purpose of protecting the potable water supply from substances which could endanger public health.

() Double Check Valve Assembly
() Reduced Pressure Principal Device
() Pressure Vacuum Breaker

Reason for installation:_____

A list of reduced pressure principle backflow prevention assemblies that have been evaluated and approved by the Foundation for Cross-Connection Control and Hydraulic Research of the University of California should be available through certified plumbers. These assemblies have been adopted and approved by the State of Arizona and must be installed within **30** days from the date of this letter.

Backflow prevention assemblies are to be purchased, installed, maintained and annually tested at the customer's expense. The backflow prevention assemblies must be **tested by a Certified Backflow prevention Assembly Tester at the time of installation.** Once the assembly has been installed and tested you should receive a copy of the certification. The Certified Tester will need to forward the original test report to:

Willow Valley Water Company
21410 N. 19th Avenue Suite 201
Phoenix, AZ 85027

If you should have any questions or require further information, please contact the main office at 623-580-9600. Thank you for your cooperation in this very important matter.

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Appendix D

SECOND NOTICE

NOTICE TO INSTALL/ TEST BACKFLOW PREVENTION ASSEMBLY

Date:

Customer:

Water service address:

Account #

Dear Customer,

We recently wrote to you explaining the regulatory requirements for installing and /or testing your backflow prevention assembly. Installing and /or testing your BFP assembly are of the utmost importance as it is in place to protect the public water supply from possible contamination. We previously sent you a notice to comply with the requirements of the Arizona Administrative Code R18-4-115 regarding the requirements of backflow prevention.

If you have had your backflow prevention assembly installed and / or tested, please forward the report to:

Willow Valley Water Company
21410 N. 19th Avenue Suite 201
Phoenix, AZ 85027

If you have not complied with the requirements, please call us with the approximate date you expect to have your BFP assembly tested or installed. You are required to comply with this requirement within 14 days of this notice.

If you should have any questions or require further information, please contact our office at 623-580-9600.

Thank you for cooperation in this very important matter.

GLOBAL WATER

Appendix E

FINAL NOTICE

TO INSTALL AND TEST BACKFLOW PREVENTION ASSEMBLY

Date:

Customer:

Water service address:

Account #

Dear Customer,

We recently wrote to you explaining the regulatory requirements for installing and /or testing your backflow prevention assembly. Installing and /or testing your BFP assembly are of the utmost importance as it is in place to protect the public water supply from contamination. We previously sent you **2** reminder notices to comply with the requirements of the Arizona Administrative Code R18-4-115 regarding the requirements of backflow prevention.

If you have had your backflow prevention assembly installed and / or tested, please forward the report to:

Willow Valley Water Company
21410 N. 19th Avenue Suite 201
Phoenix, AZ 85027

If you have not complied with the requirements, please call us with the approximate date you expect to have your BFP assembly tested. You are required to comply with this requirement immediately after receiving this notice.

Failure to comply with the requirements of the Backflow prevention program will result in a disconnection of your service.

If you should have any questions or require further information, please contact our office at 623-580-9600.

Thank you for your cooperation in this very important matter.

GLOBAL WATER

Appendix F

DISCONNECT NOTICE

FAILURE TO INSTALL AND TEST BACKFLOW PREVENTION ASSEMBLY

Date:

Customer:

Water service address:

Account #

Dear Customer,

We recently wrote to you explaining the regulatory requirements for installing and /or testing your backflow prevention assembly. Installing and /or testing your BFP assembly are of the utmost importance as it is in place to protect the public water supply from contamination. We previously sent you **3** reminder notices to comply with the requirements of the Arizona Administrative Code R18-4-115 regarding the requirements of backflow-prevention.

Our records indicate you have failed to comply with the requirements of the backflow prevention program.
Your service will be **DISCONNECTED** on:

If you have had your backflow prevention assembly installed and / or tested, please forward the report to:

Willow Valley Water Company
21410 N. 19th Avenue Suite 201
Phoenix, AZ 85027

If your backflow prevention assembly is scheduled for testing, please have the company performing the testing contact our office at the numbers listed below to avoid any service interruption.

If you should have any questions or require further information, please contact our office at 623-580-9600. Thank you for your cooperation in this very important matter.