

ORIGINAL



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1 FENNEMORE CRAIG, P.C.
 Jay L. Shapiro (No. 014650)
 2 Norman D. James (No. 006901)
 3003 N. Central Ave.
 3 Suite 2600
 Phoenix, Arizona 85012
 4 Attorneys for Black Mountain Sewer Corporation

BEFORE THE ARIZONA CORPORATION COMMISSION

7 IN THE MATTER OF THE
 8 APPLICATION OF BLACK MOUNTAIN
 SEWER CORPORATION, AN ARIZONA
 9 CORPORATION, FOR A
 DETERMINATION OF THE FAIR
 10 VALUE OF ITS UTILITY PLANT AND
 PROPERTY AND FOR INCREASES IN
 11 ITS RATES AND CHARGES FOR
 UTILITY SERVICE BASED THEREON.

DOCKET NO: SW-02361A-08-0609

**NOTICE OF FILING CERTIFICATION
OF PUBLICATION AND PROOF OF
MAILING**

13 Pursuant to the Procedural Order dated January 23, 2009, Black Mountain Sewer
 14 Corporation ("Company") hereby submits this Certification of Publication and Proof of
 15 Mailing in the above-captioned matter.

16 On April 15, 2009 legal public notice was published in the *Sonoran News*. On
 17 April 16, 2009 legal public notice was published in *The Gila Bend Sun*. The affidavit of
 18 Glen Birchfield, editor and publisher of *The Gila Bend Sun*, is attached hereto as
 19 **Exhibit 1.**

20 On April 8, 2009 and April 9, 2009, the Company mailed notification to customers.
 21 An affidavit from Gregory S. Sorensen is attached as **Exhibit 2.**

22 ///

AZ CORP COMMISSION
DOCKET CONTROL

2009 JUN - 5 P 2:26

RECEIVED

Arizona Corporation Commission

DOCKETED

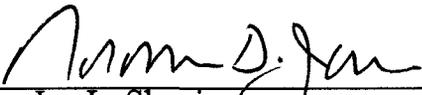
JUN - 5 2009

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| DOCKETED BY | <i>[Signature]</i> |
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DATED this 5th day of June, 2009.

FENNEMORE CRAIG, P.C.

By 

Jay L. Shapiro
Norman D. James
3003 North Central Avenue
Suite 2600
Phoenix, Arizona 85012
Attorneys for Black Mountain
Sewer Corporation.

ORIGINAL and thirteen (13) copies of the
foregoing were filed
this 5th day of June, 2009, with:

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Copy of the foregoing was hand delivered
this 5th day of June, 2009, to:

Dwight D. Nodes
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Amanda Ho, Esq.
Kevin Torrey, Esq.
Legal Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

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Copy of the foregoing mailed
this 5th day of June, 2009, to:

Daniel Pozefsky, Chief Counsel
Michelle Wood, Esq.
Residential Utility Consumer Office
1110 W. Washington, Suite 220
Phoenix, AZ 85007

Scott S. Wakefield, Esq.
Ridenour, Hinton & Lewis
201 N. Central Ave., Suite 3300
Phoenix, AZ 85004-1052

By: *M. Minic San Jose*

2204058.1/16040.035

EXHIBIT

1

PUBLIC NOTICE OF HEARING ON THE APPLICATION OF BLACK MOUNTAIN SEWER CORPORATION FOR A PERMANENT BASE RATE INCREASE (DOCKET NO. SW-02361A-08-0609)

Summary

On December 19, 2008 Black Mountain Sewer Corporation filed an application with the Arizona Corporation Commission for a permanent gross revenue increase of \$913,762, or 57.83 percent over current revenues. For residential customers, the Company's application requests an increase in the monthly customer charge from current \$45.64 rate to \$71.08. BMSC proposes to increase the current standard commercial rate of \$0.18298 per gallon to \$0.28499 per gallon for all commercial customers, including those customers currently served under a special rate. BMSC also proposes to increase the rate for reclaimed water from \$122 per acre-foot to \$150 per acre-foot.

The Commission's Utilities Division Staff ("Staff") is in the process of auditing and analyzing the application, and has not yet made any recommendation regarding BMSC's proposed increase. The Residential Utility consumer Office is also a party to this proceeding and will analyze the application and make recommendations to the Commission. The Commission will determine the appropriate relief to be granted based on the evidence presented by the parties. **The Commission is not bound by the proposals made by BMSC, Staff or any interveners; therefore, the final rates approved by the Commission may differ from rates requested by the Company.**

How You Can View or Obtain a Copy of the Rate Proposal

Copies of the application and proposed rates are available from Black Mountain (BM), 12725 W. Indian School Rd, BLDG D-101, Avondale, AZ 85392 and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona for public inspection during regular business hours and the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning September 21, 2009 at 9:30am at the Commission's offices, Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. SW-02361A-08-0609 to Arizona Corporate Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007 or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require assistance, you

may contact the Consumer Services Section at 1-800-222-7000.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than June 22, 2009, and send a copy of the motion to BMSC or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address and telephone number, and the name, address and telephone number of any party upon whom services of documents is to be made, if not yourself.
2. A short statement of your interest in proceeding (e.g., a customer of BMSC, a shareholder of BMSC, etc); and
3. A statement certifying that you have mailed a copy of the motion to intervene to BMSC or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before June 22, 2009.** If representation by counsel is required by Rule 31 of the rules of the Arizona Supreme Court, intervention will be conditional upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. **However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of case.**

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as sign language interpreter as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail Sbernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodations.



AFFIDAVIT OF PUBLICATION

State of Arizona

ss

FILE COPY

County of Maricopa

I, Glen Birchfield, editor and publisher of

The Gila Bend Sun,

a newspaper in general circulation, printed and published in the Town of Gila Bend, County of Maricopa, State of Arizona, do solemnly swear that a copy of the above notice is the matter of

Public Notice
for

Black Mountain Sewer Corporation

as per clipping attached, was published weekly in the regular and entire edition of the said newspaper, and not in any supplement hereof, for a period of one consecutive week(s) as follows, to-wit

April 16, 2009

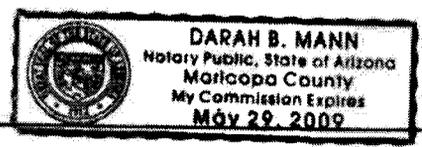
Glen Birchfield

Subscribed and sworn to before me,

this.....16.....day of.....April.....2009

Notary Public

My Commission expires:
May 29, 2009



cc: Sonoran News

EXHIBIT

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AFFIDAVIT OF GREGORY S. SORENSEN

Gregory S. Sorensen, being duly sworn, deposes and says:

1. I am a resident of Maricopa County, over 18 years of age, and make this affidavit based on my own personal knowledge.

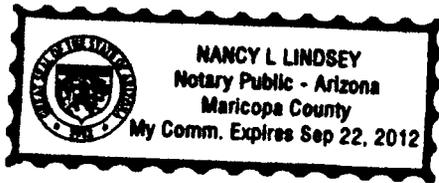
2. I am Director of Operations for Algonquin Water Services' Western Utility Group, and the operator of Black Mountain Sewer Corporation ("BMSC").

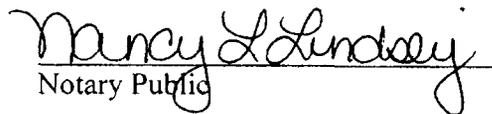
3. Pursuant the Procedural Order dated January 23, 2009, on April 8, 2009 and April 9, 2009 BMSC mailed to customers the notice regarding the hearing set to begin on September 21, 2009 on BMSC's request for a permanent rate increase. Attached hereto as **Exhibit A** is a copy of the notice along with a certificate of mailing and a postage statement.

4. In accordance with the Procedural Order, BMSC files this affidavit of mailing.


Gregory S. Sorensen

SUBSCRIBED and sworn to before me this 20th day of May, 2009.




Notary Public

My Commission Expires:

9-22-2012
2200096.1/16040.035

EXHIBIT

A

**PUBLIC NOTICE OF HEARING ON THE PART OF BLACK MOUNTAIN
SEWER CORPORATION FOR A PERMANENT BASE RATE INCREASE
(DOCKET NO. SW-02361A-08-0609)**

Summary

On December 19, 2008, Black Mountain Sewer Corporation ("BMSC" or "Company" filed an application with the Arizona Corporation Commission ("Commission") for a permanent gross revenue increase of \$913,762 or 57.83 percent over current revenues. For residential customers, the Company's application requests an increase in the monthly customer charge from the current \$45.64 rate to \$71.08. BMSC proposes to increase the current standard commercial rate of \$0.18298 per gallon to \$0.28499 per gallon for all commercial customers, including those customers currently served under a special rate. BMSC also proposes to increase the rate for reclaimed water from \$122 per acre foot to \$150 per acre foot.

The Commission's Utilities Division Staff ("Staff") is in the process of auditing and analyzing the application, and has not yet made any recommendations regarding BMSC proposed rate increase. The Residential Utility Consumer Office is also a party to this proceeding and will analyze the application and make recommendations to the Commission. The Commission will determine the appropriate relief to be granted based on the evidence presented by the parties. The Commission is not bound by the proposals made by BMSC, Staff, or any intervenors; therefore, the final rates approved by the Commission may differ from the rates requested by the Company.

How You Can View or Obtain a Copy of the Rate Proposal

Copies of the application and proposed rates are available from BMSC an Algonquin Water Utility 12725 W. Indian School RD Suite D-101 Avondale, AZ 85392 and at the Commission's Docket Control Center as 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

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2. A short statement of your interest in the proceeding (e.g., a customer of BMSC, a shareholder of BMSC, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to BMSC or its counsel and to all parties of record in the case.

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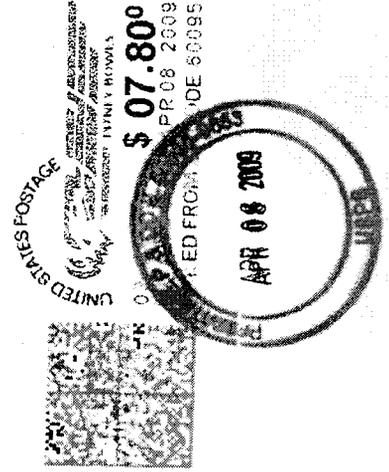
Certificate of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: Data Management Center
2246 Palmer Dr. Bldg 107
Schaumburg IL 60193

To: Black Mountain Sewer Corp Postmark Here
12725 W. Indian School
Avondale AZ 85392

PS Form 3817, April 2007 PSN 7530-02-000-9065



Black Mountain (9) 69116

United States Postal Service
Postage Statement — First-Class Mail & Priority Mail

Use this form for either First-Class Mail or Priority Mail. They may not be combined.

Comments:
List: AlgonquinInsens

USPS: Note Mail Arrival Date & Time

| | | | | | |
|--------|---|---------------------------------------|--|---------------------------------------|--|
| MAILER | Permit Holder's Name and Address and Email Address, if Any Data Management Center 2246 Palmer Drive Bldg 107 Schaumburg IL 60173 | Telephone (847)-397-3500 Extension | Name and Address of Mailing Agent (if other than permit holder) Data Management Center 2246 Palmer Drive Bldg 107 Schaumburg IL 60173 | Telephone (847)-397-3500 Extension | Name and Address of Individual or Organization for Which Mailing is Prepared (if other than permit holder) Algonquin Water Utilities 12725 W Indian School Road Avondale AZ 85392 |
| | CAPS Cust Ref No. Customer Number | | Customer Number | | Customer Number |

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|---------|---|---|--|-------------------------|--|
| MAILING | Post Office of Mailing Palatine IL 600 | Processing Category <input checked="" type="checkbox"/> Letters <input type="checkbox"/> Flats <input type="checkbox"/> Automation Flats <input type="checkbox"/> Parcels | Mailing Date 04/08/09 04/09/09 | Fee Agency Cost Code | Statement Seq. No. ALGONO |
| | Type of Postage <input checked="" type="checkbox"/> Permit Imprint <input type="checkbox"/> Precanceled Stamps <input checked="" type="checkbox"/> Metered | | Weight of a Single Piece 0.0365 pounds | Total Pieces 1,948 | No. & Type of Containers 1' MM Trays 4 2' MM Trays 3 |
| | Permit # 591 | For Mail Enclosed Within Another Class <input type="checkbox"/> Standard Mail <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Parcel Post <input type="checkbox"/> Periodicals | | Total Weight 71.1020 | 2' EMM Trays 7 Flat Trays Sacks Pallets Other |

For Automation Price Pieces. Enter Date of Address Matching and Coding: 4/07/2009

Move Update Method: Ancillary, service endorsement FASTforward
 NCOALink ACS Alternate method Multiple

Parts Completed (Select all that apply) A B C D S (Part C only) Commercial Base Commercial Plus

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| Total Postage (Add Parts Totals) | | 685.85 |
| Price at Which Postage Affixed (Check one) <input checked="" type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither | 1,948 pcs. x \$ | Postage Affixed 685.850 |
| Net Postage Due (Subtract postage affixed from total postage) | | |
| For USPS Use Only: Additional Postage Payment (State reason) <i>Additional Pes</i> | | <i>74.34</i> |
| For postage affixed add additional payment to net postage due; for permit imprint add additional payment to total postage. | | Total Adjusted Postage Affixed |
| Permit Imprint Only - Check One <input type="checkbox"/> AIC 121 (First-Class Mail) PM: Report Total Postage in AIC: <input type="checkbox"/> AIC 237 (Priority Mail) | | Total Adjusted Postage Permit Imprint <i>760.19</i> |

The mailer's signature certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control.

The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation.

I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment. Privacy Notice: For information regarding our Privacy Policy visit www.usps.com

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|--|--|--|
| Signature of Mailer or Agent <i>[Signature]</i> | Printed Name of Mailer or Agent Signing Form <i>John P. Terry</i> | Telephone 847-397-3500 Extension |
|--|--|--|

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|--|---|
| Weight of a Single Piece <i>0.319</i> pound | Are postage figures at left adjusted from mailer's entries? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" state reason: <i>Additional Pes</i> |
| Total Pieces <i>2125</i> | Total Weight <i>678</i> |
| Total Postage | |
| Presort Verification Performed? (Check One) <input type="checkbox"/> Yes <input type="checkbox"/> No | Date Mailed Notified <i>4-9-09</i> |
| | Contact <i>Mark</i> |
| | By (Initials) <i>RT</i> |
| I CERTIFY that this mailing has been inspected concerning: (1) eligibility for postage prices claimed; (2) proper preparation (and presort where required); (3) proper completion of postage statement; and (4) payment of annual fee (if required). | |
| Verifying Employee's Signature <i>[Signature]</i> | Verifying Employee's Name <i>TERRY</i> |
| | Time <i>11:00</i> AM/PM |

