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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

JUN - 5 2009

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COMMISSIONERS

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

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

DOCKET NO. SW-02519A-06-0078

DECISION NO. 71101

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

Open Meeting  
 May 27 and 28, 2009  
 Phoenix, Arizona

BY THE COMMISSION:

\* \* \* \* \*

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

**FINDINGS OF FACT**

- On February 8, 2006, Gold Canyon Sewer Company ("Gold Canyon" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.
- On March 20, 2008, the Commission issued Decision No. 70210, approving Gold Canyon's application for an extension of its CC&N to include 19 acres adjacent to its current certificated area. Decision No. 70210 ordered Gold Canyon, among other things, to file as a compliance item within 365 days of the Decision, a copy of the Franchise Agreement with Pinal County, which included the extension area.
- On March 18, 2009, Gold Canyon filed a Motion for Extension of Time to File Pinal County Franchise Agreement ("Motion"). Gold Canyon attached to its Motion a copy of the franchise

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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.

### 21 CONCLUSIONS OF LAW

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

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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.

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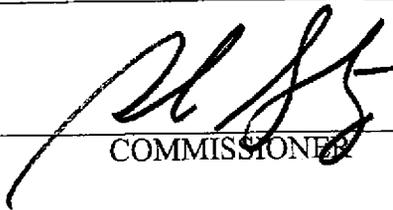
CHAIRMAN



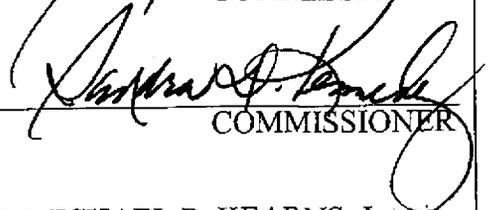
COMMISSIONER

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COMMISSIONER



COMMISSIONER



COMMISSIONER

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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 5TH day of JUNE, 2009.



20 MICHAEL P. KEARNS  
21 INTERIM EXECUTIVE DIRECTOR

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

23  
24 DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: GOLD CANYON SEWER COMPANY

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

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4 Jay L. Shapiro  
Patrick J. Black  
FENNEMORE CRAIG  
5 3003 N. Central Avenue, Ste. 2600  
Phoenix, AZ 85012  
6 Attorneys for Gold Canyon Sewer Company

7 Janice Alward, Chief Counsel  
Legal Division  
8 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
9 Phoenix, AZ 85007

10 Ernest G. Johnson, Director  
Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
12 Phoenix, AZ 85007

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