

ORIGINAL



0000100929

BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

RECEIVED

Arizona Corporation Commission

DOCKETED

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

2009 JUL 22 P 3: 26

JUL 22 2009

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY	
-------------	--

IN THE MATTER OF THE APPLICATION OF  
UTILITY SYSTEMS, LLC DBA GARDNER  
WATER FOR APPROVAL OF A RATE  
APPLICATION FOR WATER COMPANIES  
WITH ANNUAL GROSS OPERATING  
REVENUES OF LESS THAN \$250,000

DOCKET NO. W-20459A-08-0167

**STAFF'S REQUEST FOR  
CLARIFICATION AND  
MOTION TO CONSOLIDATE**

On March 21, 2008, Utility Systems, LLC ("Utility Systems") dba Gardner Water ("Gardner") filed an application with the Arizona Corporation Commission ("Commission") for a determination of the current fair value of its utility plant and property and for an increase in rates for water (Docket No. W-20459A-08-0167). On March 21, 2008, Utility Systems dba Christopher Creek Haven Water ("CCH") also filed an application for a rate increase. The rate applications were filed in compliance to the Commission's orders in Decisions No. 69421 and 69582, which approved the transfer of assets of the two water companies to Utility Systems.

Procedural orders issued on July 2, 2009, raised certain questions and instructed Staff in both dockets to collaborate and to address certain issues in Supplemental Staff Reports. Issue No. 2 in both orders directed that Staff should contact Gerald Lenzion, the prior owner of the two water companies, and request copies of "all records he has in his possession" regarding the two companies. Staff did so in a letter to Mr. Lenzion dated July 13, 2009. In a subsequent phone conversation on July 20, 2009, Mr. Lenzion expressed his view that, as stated, the request seemed overly broad and that it would be excessively burdensome for him to comply. Mr. Lenzion therefore requested that Staff seek clarification on his behalf as to which specific types of documentation he should supply, thereby reducing the volume of records he must submit. Staff hereby makes that request.

...  
...

let

1 Issue No. 3 in both orders directed Staff to consider and make a recommendation whether  
2 the rates of the two companies should be consolidated. A consolidation of rates would require  
3 that the two dockets also be consolidated. Additionally, the two companies are closely related,  
4 having the same owner and operator and sharing many operating expenses. Staff believes that  
5 consolidation of the two dockets is appropriate; therefore, pursuant to Rule R14-3-109(H), Staff  
6 respectfully requests that Dockets W-20459A-08-0167 and W-20459A-08-0168 be consolidated.

7 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of July, 2009.  
8  
9

10 

11 Nancy Scott  
12 Attorney, Legal Division  
13 Arizona Corporation Commission  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007  
16 (602) 542-3402

17 Original and thirteen (13) copies  
18 of the foregoing filed this 22<sup>nd</sup> day  
19 of July, 2009, with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
23 Phoenix, Arizona 85007

24 Copies of the foregoing mailed  
25 this 22<sup>nd</sup> day of July, 2009, to:

26 Jeff T. Daniels  
27 Utility System, LLC dba  
28 Gardner Water Company  
HC2 Box 164-H  
Payson, Arizona 85541

29 