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BEFORE THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

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

2009 JUL 27 P 12:44

ARIZONA CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF LIVCO WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE PROVISION OF WATER SERVICE
IN PORTIONS OF APACHE COUNTY,
ARIZONA

DOCKET NOS. W-02121A-06-0316
SW-02563A-06-0316

**COMMENTS ON PROPOSED
ORDER AMENDING
DECISION NO. 69258**

IN THE MATTER OF THE APPLICATION
OF LIVCO SEWER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
THE PROVISION OF WATER SERVICE
IN PORTIONS OF APACHE COUNTY,
ARIZONA

Arizona Corporation Commission
DOCKETED

JUL 27 2009

DOCKETED BY

Livco Water Company and Livco Sewer Company (collectively "Companies")
hereby comment upon the proposed Order Amending Decision No. 69258.

As explained in the Motion to Amend the Decision, the water company has
received a Physical Availability Determination ("PAD") from the Arizona Department of
Water Resources ("ADWR") stating that at least 1,057.72 acre feet per year of
groundwater is available for the water company to serve its potential customer demand
within the requested CC&N extension area. The PAD is the only adequacy determination

1 that ADWR will issue to the water company for the extension area until the Commission
2 grants it the right to serve that area.

3
4 The Companies believe it is important that there are no misunderstandings and that
5 the proposed PAD submittal will satisfy the condition requiring the Companies to file a
6 copy of the Developer's Letter of Adequate Water Supply. See Proposed Order at p. 2,
7 In. 11-13. Thus, the Companies believe the Proposed Order should be amended as
8 follows:
9

10 IT IS THEREFORE ORDERED that Decision No. 69258 is amended
11 to give Livco Water Company and Livco Sewer Company until
12 December 31, 2009, to file a copy of the Developer's Letter of
13 Adequate Water Supply [or documentation from ADWR establishing
14 that an adequate water supply is available to serve the CC&N extension
area]. (Proposed amendment language in brackets and underlined).

15 Alternatively, if the record is made clear that the PAD submittal will satisfy the condition
16 as currently written, then the amendment may not be necessary.

17
18 RESPECTFULLY SUBMITTED this 27th day of July, 2009.

19
20 **MOYES SELLERS & SIMS**

21 
22 _____
23 Steve Wene

24
25 Original and 15 copies of the foregoing
26 filed this 27th day of July, 2009, with:

27
28 Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

