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Attorneys for Applicant Sacramento Utilities, L.L.C.

BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF THE APPLICATION
10 OF SACRAMENTO UTILITIES, L.L.C.,
11 FOR A CERTIFICATE OF
12 CONVENIENCE AND NECESSITY TO
13 PROVIDE WASTEWATER SERVICE TO
14 MOHAVE COUNTY, ARIZONA

DOCKET NO. SW-20576A-08-0067

**APPLICATION TO AMEND
DECISION NO. 71119 PURSUANT TO
A.R.S. § 40-252**

15 Sacramento Utilities, L.L.C. ("Sacramento Utilities" or the "Company") hereby
16 files this Application to Amend Decision No. 71119 (June 5, 2009), pursuant to A.R.S. §
17 40-252, in the above-referenced matter.

BACKGROUND

18 On February 4, 2008, the Company filed with the Arizona Corporation
19 Commission ("Commission") an Application for a Certificate of Convenience and
20 Necessity ("CC&N") to provide wastewater service in an area of Mohave County,
21 ("A.A.C.").

22 On July 17, 2008, Staff issued a Sufficiency Letter to the Company stating that the
23 application met the sufficiency standards set forth in the A.A.C.

24 By Procedural Order issued July 23, 2008, the matter was scheduled for hearing to
25 begin September 9, 2008.

1 On September 9, 2008, the public comment hearing was convened. No members
2 of the public appeared and offered comments. However, Staff indicated that it needed
3 additional time to review Sacramento's application, and Staff stated that it had concerns
4 with the information provided by the Company. It was agreed by the parties that Staff
5 should be granted an additional extension to file its Staff Report, with a hearing date to
6 follow issuance of the Staff Report.

7 On January 16, 2009, Staff filed its Staff Report as directed.

8 On January 26, 2009, the hearing was convened as scheduled. The Company and
9 Staff appeared through counsel with each offering a single witness. There were no
10 intervenors.

11 On January 30, 2009, Staff submitted a Late-Filed Exhibit with a revised Rate
12 Design schedule.

13 On February 3, 2009, Sacramento submitted a Late-Filed Exhibit attaching its
14 Approval to Construct ("ATC") from the Arizona Department of Environmental Quality
15 ("ADEQ") for the first subdivision in the requested CC&N area.

16 On February 9, 2009, the transcript of the January 26, 2009, hearing was filed in
17 the docket of this proceeding.

18 After receipt of the Late-Filed Exhibits and transcript, the matter was taken under
19 advisement pending issuance of a Recommended Opinion and Order for the
20 Commission's consideration.

21 On June 5, 2009, Decision No. 71119 was issued approving the Company's
22 application for a wastewater utility CC&N. The legal description attached as Exhibit A to
23 Decision No. 71119 contained four parcels to be included within the CC&N, and two
24 parcels removed from the Company's original request, and is attached hereto as Exhibit 1.
25 The four parcels included within the Company's service area are: (1) Parcel #1 - Shipp
26 Estates, (2) Parcel #2 - Oliver Estates, (3) Parcel #5 - Patterson Parcel, and (4) Parcel #6

1 – Villa Serena. Unfortunately, the legal description for Parcel #1 (Shipp Estates) attached
2 to the Decision is incorrect. Attached hereto as Exhibit 2 is a revised legal description for
3 Exhibit A, and not only includes a correct legal description for Parcel #1, but does not
4 contain the excluded parcels (Parcel #3 and Parcel #4) that were not included in the
5 CC&N granted by the order.

6 **RELIEF REQUESTED**

7 A.R.S. § 40-252 states in pertinent part that the Commission “may at any time,
8 upon notice to the corporation affected, and after an opportunity to be heard as upon a
9 complaint, rescind, alter or amend any order or decision made by it...” Sacramento
10 Utilities respectfully requests that the Commission amend Exhibit A to Decision No.
11 71119 in order to reflect the correct legal description for Parcel #1 – the Shipp Estates
12 development. The developer of Shipp Estates is awaiting Final Plat approval, but Mohave
13 County Staff cannot bring the matter before the Board of Supervisors until such time that
14 the legal description in Exhibit A to Decision No. 71119 has been corrected.

15 The Company recognizes the Commission’s commitment to proper notice of its
16 proceedings. However, there was no public comment provided during the September 9,
17 2008 public comment hearing, and there were no intervenors at the January 26, 2009
18 evidentiary hearing. This matter was largely uncontested because the Company worked
19 with Staff and other interested parties to eliminate any disputes prior to the hearing. In
20 order to expedite the current request, Sacramento Utilities hereby waives any right it may
21 have to another hearing. The Company understands that the Commission is under an
22 extreme workload, but any effort to expedite this issue will allow the Shipp Estates project
23 to move forward in a timely manner. Therefore, amending the legal description as shown
24 in Exhibit 2 is in the public interest.

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RESPECTFULLY SUBMITTED this 7th day of August, 2009.

FENNEMORE CRAIG, P.C.

By: 

Patrick J. Black
Attorneys for Applicant Sacramento
Utilities, L.L.C.

ORIGINAL and 13 copies delivered this
7th day of August, 2009 to:

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

COPY hand-delivered
this 7th day of August, 2009 to:

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By: *Maria Sanja*
2224358.1/27518.001

Exhibit 1

SACRAMENTO UTILITIES COMPANY
LEGAL DESCRIPTION

PARCEL 1 (Shipp Estates)

The East half of the Southeast quarter of the Southwest quarter (20 acres), and

The South half of the Southwest quarter of the Southeast quarter of the Southwest quarter (5 acres), all in Section 12

PARCEL 2 (Oliver Estates)

The Southwest quarter of the Southeast quarter of the Southeast quarter (10 acres), and

The West half of the Southeast quarter of the Southeast quarter of the Southeast quarter (5 acres), all in Section 12

PARCEL 3 (Blue Sky)

Withdrawn

Parcels 1, 2, and 3 all being in Township 21 North, Range 19 West, G&SRB&M, Mohave County, Arizona.

PARCEL 4 (The Kuden Parcel)

Withdrawn

PARCEL 5 (The Patterson Parcel)

The Southwest quarter of the Southwest quarter (40 acres), all in Section 7

PARCEL 6 (Villa Serena)

The Northeast quarter of the Southeast quarter (40 acres), and

The Northwest quarter of the Southeast quarter (40 acres), except the Northeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter (2.5 acres), and

The West half of the Southeast quarter of the Southwest quarter of the Northeast quarter (5 acres), and

The South half of the Southeast quarter of the Northeast quarter (20 acres), and

The North half of the Southwest quarter of the Southeast quarter (20 acres), and

REVISED ATTACHMENT 1 TO TAB B

The North half of the Southwest quarter of the Southwest quarter of the Southeast quarter
(5 acres) all in Section 7,

Parcels 4, 5, and 6 all being in Township 21 North, Range 18 West, G&SRB&M,
Mohave County, Arizona.

Exhibit 2

**Sacramento Utilities Company
Amended Legal Description**

Parcel 1 (Shipp Estates)

DESCRIPTION FOR SHIPP ESTATES TRACT 3310

A parcel of land located within the South half of Section 12, Township 21 North, Range 19 West of the Gila and Salt River Meridian, Mohave County, Arizona and being more particularly described as follows:

Commencing at the Southeast Section Corner of said Section 12 and running thence, South 89°43'52" West, along the South Line of said Section 12, a distance of 1325.19 feet to the true POINT OF BEGINNING;

Thence, South 89°43'52" West, along the South Line of said Section 12, a distance of 1325.19 feet to the South One-quarter Section Corner of said Section 12;

Thence, South 89°43'01" West, along the South Line of said Section 12, a distance of 1323.90 feet to the centerline of Davis Road;

Thence, North 00°08'17" West, along the centerline of Davis Road, a distance of 330.15 feet;

Thence, North 89°41'09" East, 1324.02 feet to a point on the centerline of Glen Canyon Road;

Thence, North 00°07'02" West, along the centerline of Glen Canyon Road, a distance of 989.17 feet to a point on the centerline of Brook Drive;

Thence, North 89°43'15" East, along the centerline of Brook Drive, a distance of 1295.26 feet to a point;

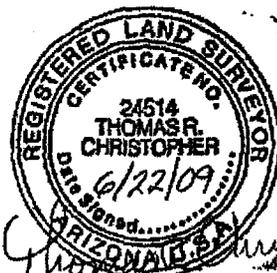
Thence, South 00°06'52" East, along the West right-of-way boundary of Morman Flat Road, a distance of 660.13 feet;

Thence, North 89°44'56" East, 30.00 feet to a point on the centerline of Morman Flat Road;

Thence, South 00°06'52" East, along the centerline of Morman Flat Road, a distance of 660.14 feet to the POINT OF BEGINNING.

The parcel of land herein described containing 49.75 acres, more or less.

05-620SHIP.DOC



Thomas R. Christopher
EXP 6/30/2011

**Sacramento Utilities Company
Amended Legal Description**

PARCEL 2 (Oliver Estates)

The Southwest quarter of the Southeast quarter of the Southeast quarter (10 acres), and

The West half of the Southeast quarter of the Southeast quarter of the Southeast quarter (5 acres), all in Section 12

PARCEL 5 (The Patterson Parcel)

The Southwest quarter of the Southwest quarter (40 acres), all in Section 7

PARCEL 6 (Villa Serena)

The Northeast quarter of the Southeast quarter (40 acres), and

The Northwest quarter of the Southeast quarter (40 acres), except the Northeast quarter of the Northeast quarter of the Northwest quarter of the Southeast quarter (2.5 acres), and

The West half of the Southeast quarter of the Southwest quarter of the Northeast quarter (5 acres), and

The South half of the Southeast quarter of the Northeast quarter (20 acres), and

The North half of the Southwest quarter of the Southeast quarter (20 acres), and

The North half of the Southwest quarter of the Southwest quarter of the Southeast quarter (5 acres) all in Section 7,

Parcels 4, 5, and 6 all being in Township 21 North, Range 18 West, G&SRB&M, Mohave County, Arizona.