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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

AUG 06 2009

COMMISSIONERS

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

DOCKETED BY  
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IN THE MATTER OF THE APPLICATION OF  
RED ROCK UTILITIES, L.L.C. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER SERVICE IN  
PIMA COUNTY, ARIZONA.

DOCKET NO. WS-04245A-07-0363

DECISION NO. 71226

ORDER EXTENDING TIME  
DEADLINE CONTAINED IN  
DECISION NO. 70030

Open Meeting  
July 28 and 29, 2009  
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On December 4, 2007, the Commission issued Decision No. 70030, granting Red Rock Utilities, L.L.C.'s ("Red Rock" or "Company"), request for a certificate of convenience and necessity.

2. Pursuant to the Decision, Red Rock was required to "file within 24 months of the effective date of this Decision a copy of the Approval to Construct for Phase I issued by the ADEQ."<sup>1</sup> Based on the effective date of the Decision, this item is due to be filed with the Commission on December 4, 2009.

3. On May 8, 2009, Red Rock filed a Motion for Extension of Compliance Filing Date Deadline with the Commission requesting an extension of time to file an Approval to Construct ("ATC") from the Arizona Department of Environmental Quality ("ADEQ") for the water system

<sup>1</sup> Decision No. 70030, pages 6, 8.

1 facilities needed to serve Phase I of the Verano master-planned community ("Motion").

2 4. On June 18, 2009, the Commission's Utilities Division Staff ("Staff") filed a  
3 Memorandum recommending approval of the Company's Motion.

4 5. In its Motion, the Company notes that there has been a dramatic downturn in new  
5 home construction in Arizona and this decrease has impacted the previously anticipated development  
6 timeline for the Verano master-planned community.

7 6. Attached to the Motion is a letter from South Wilmot Land Investors, L.L.C.  
8 ("SWLI"), the master developer of the Verano community, in which SWLI describes the actions  
9 taken to date by SWLI to continue to move the project forward in spite of the current economic  
10 conditions, and reiterates its need for water and that Red Rock be the water provider.

11 7. The Company notes that, although Red Rock and SWLI continue with their attempts  
12 to complete the project, they anticipates that they will be unable to meet the December 4, 2009,  
13 deadline for filing the ATC and request an extension of that deadline until December 4, 2011.

14 8. Given the foregoing, Staff does not object to the Company's Motion and recommends  
15 that the December 4, 2009, deadline for filing of the ATC for the water system facilities needed to  
16 serve Phase I of the Verano master-planned community should be extended until December 4, 2011.

17 9. We find that Staff's recommendation is reasonable and shall be adopted.

18 **CONCLUSIONS OF LAW**

19 1. Red Rock is a public service corporation within the meaning of Article XV of the  
20 Arizona Constitution and A.R.S. §§40-281 and 40-282.

21 2. The Commission has jurisdiction over Red Rock and the subject matter of the request  
22 for extension for time to comply with Commission Decision No. 70030.

23 3. Staff's recommendation is reasonable and should be adopted.

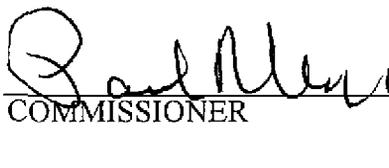
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ORDER

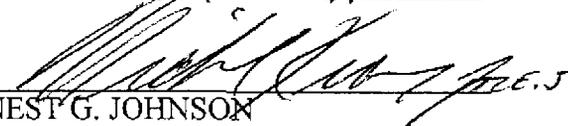
IT IS THEREFORE ORDERED that Red Rock Utilities, L.L.C.'s, request for extension of time to comply with Decision No. 70030, is granted, extending the compliance deadline for filing the Approval of Construction for the water system facilities needed to serve Phase I of the Verano master-planned community, until December 4, 2011.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

	
CHAIRMAN	COMMISSIONER
	
COMMISSIONER	COMMISSIONER
	
	COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 6th day of AUGUST, 2009.

  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: RED ROCK UTILITIES, L.L.C.

2 DOCKET NO.: WS-04245A-07-0363

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4 Lawrence V. Robertson, Jr., Esq.  
P. O. Box 1448  
5 Tubac, Arizona 85646

6 Mark Weinberg, General Manager  
RED ROCK UTILITIES, L.L.C.  
7 2200 East River Road, Suite 115  
Tucson, Arizona 85718

8 Janice Alward, Chief Counsel  
9 Legal Division  
ARIZONA CORPORATION COMMISSION  
10 1200 West Washington Street  
Phoenix, Arizona 85007

11 Ernest Johnson, Director  
12 Utilities Division  
ARIZONA CORPORATION COMMISSION  
13 1200 West Washington Street  
Phoenix, Arizona 85007

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