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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 NR

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. WS-02987A-06-0663

DECISION NO. 71242

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 69414**

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 Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 16, 2006, Johnson Utilities L.L.C. ("Johnson" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") for water and wastewater services to primarily serve a development known as Skyview Farms.¹

2. On April 16, 2007, the Commission issued Decision No. 69414 approving Johnson's application. In Decision No. 69414, Johnson was ordered to file the following compliance items:

- Within two years of the effective date of the Decision, copies of the Approval to Construct ("ATC") for water facilities and the General Permit for wastewater facilities needed to serve the extension area.
- Within two years of the effective date of the Decision, a copy of the Aquifer Protection Permit ("APP") amendment indicating approval of the expansion of Johnson's Section 11 Wastewater Treatment Plant to 4.0 MGD.

¹ The extension area encompasses two sections of land and the vast majority (except 40-acres) will be used to develop Skyview Farms. Decision No. 69414 at 3.

1 3. On March 16, 2009, Johnson filed a request for a 24 month extension of time to file
2 the compliance items ("Request") in Decision No. 69414. The Request states the developer for
3 Skyview Farms has suspended the start of the project due to the current slow down in the real estate
4 market and therefore the need for Johnson to obtain the required compliance items is also delayed.

5 4. On June 3, 2009, Staff filed a Memorandum recommending approval of Johnson's
6 request for an extension of time, until April 16, 2011, to comply with the requirements outlined in
7 Decision No. 69414. Staff's Memorandum included a letter from the developer of Skyview Farms,
8 dated May 20, 2009, which expressed the developers' continuing desire to have Johnson provide
9 water and wastewater services to Skyview Farms. Staff recommends approving Johnson's request
10 for an extension time, in light of the downturn in the market, and the continuing need for water and
11 wastewater services in the extension area.

12 5. Staff further recommends that no further extensions of time be granted for Johnson to
13 comply with Commission Decision No. 69414.

14 6. Due to the downturn in the market, Johnson's timely request for an extension of time
15 to comply with Decision No. 69414, and the continuing desire for service and the intent to develop in
16 the extension area, we find that Johnson's request for an extension of time is reasonable and should
17 be granted.

18 7. Further, although we are not adopting Staff's recommendation that no further
19 extensions of time be granted for Johnson to comply with Commission Decision No. 69414, we will
20 put Johnson on notice that any future requests for extensions of time to comply must demonstrate that
21 extraordinary circumstances exist that warrant additional time.

CONCLUSIONS OF LAW

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23 1. Johnson Utilities L.L.C. is a public service corporation within the meaning of Article
24 XV of the Arizona Constitution and A.R.S. §§40-281 and 40-282.

25 2. The Commission has jurisdiction over Johnson Utilities L.L.C. and the subject matter
26 of the request for additional time to comply with Commission Decision No. 69414.

27 3. Staff's recommendation that Johnson receive an extension of time to comply with
28 Decision No. 69414 is reasonable and should be adopted.

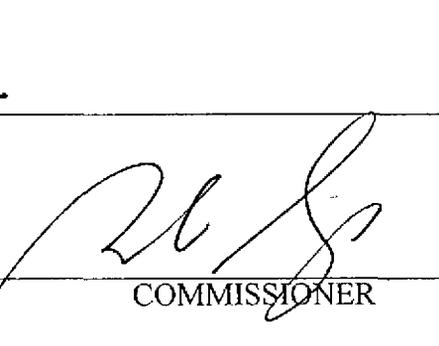
ORDER

IT IS THEREFORE ORDERED that Johnson Utilities L.L.C.'s request for an extension of time, until April 16, 2011, to file copies of the Approval to Construct for water facilities and the General Permit for wastewater facilities needed to serve the extension area described in Decision No. 69414, and to file the Aquifer Protection Permit amendment expanding Johnson's Section 11 Wastewater Treatment Plant to 4.0 MGD, is hereby granted.

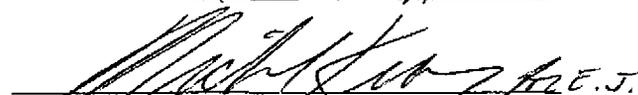
IT IS FURTHER ORDERED that no additional extensions of time shall be granted regarding this matter absent extraordinary circumstances.

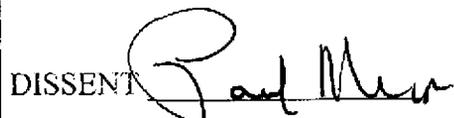
IT IS FURTHER ORDERED that this Decision shall become effective immediately.

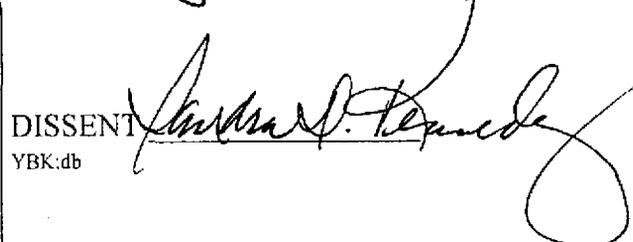
BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

 CHAIRMAN	 COMMISSIONER	 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 
YBK:db

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2 DOCKET NO.: WS-02987A-06-0663

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