

JOHNSON UTILITIES, L.

5230 East Shea Boulevard * Scottsdale, Arizona 85
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September 15, 2009

Steve Olea
Utilities Director
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission

DOCKETED

SEP 21 2009

DOCKETED BY *MS*

RE: Johnson Utilities, L.L.C.: Compliance with Decision No. 68235
ACC Docket No.: WS-02987A-05-0088
Johnson Utilities' Copper Basin Aquifer Protection Permit (APP)

Dear Mr. Olea:

Pursuant to the above-referenced matter, Johnson Utilities was granted an extension of time to file the Copper Basin APP in Decision 70411 until October 25th, 2009. The Copper Basin APP was also required in Decision 68961 and extension request was docketed on September 3rd 2008. The wastewater flows coming from the area that will be served by the Copper Basin Wastewater Treatment plant have been designed and constructed to be served by the Section 11 Wastewater Treatment plant until the Copper Basin Plant is built. Based on the current market slow down we have determined that the construction of the Copper Basin WWTP will not be needed for over 5 years. Arizona Department of Environmental Quality (ADEQ) requires us to start construction within a year of issuing the APP. At this time it is not in the best interest of the company to finish the process of obtaining the Copper Basin APP since the permit will expire before the company will need to start construction. For this reason the company is requesting that the filing of the Copper Basin APP be removed as a compliance requirement in Decisions 68235, 68237, and 68961, in accordance with A.R.S. 40-252.

If you need any additional information in regards to this compliance item, please do not hesitate to contact me. Thank you for your time and consideration in this matter.

Sincerely,

Brian P. Tompsett
Brian Tompsett
Johnson Utilities, LLC

Cc: Docket Control (1 original, 13 copies)
Jeffrey Crocket, Snell & Wilmer

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