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2009 SEP 25 P 12: 48

ARIZONA CORP COMMISSION  
DOCKET CONTROL

7 Attorneys for Wickenburg Ranch Water, LLC

8 **BEFORE THE ARIZONA CORPORATION COMMISSION**

9 **COMMISSIONERS**

10 KRISTIN K. MAYES, CHAIRMAN  
11 GARY PIERCE  
12 PAUL NEWMAN  
13 SANDRA D. KENNEDY  
14 BOB STUMP

Arizona Corporation Commission  
**DOCKETED**

SEP 25 2009

DOCKETED BY

15 IN THE MATTER OF THE  
16 APPLICATION OF WICKENBURG  
17 RANCH WATER, LLC, AN ARIZONA  
18 LIMITED LIABILITY COMPANY  
19 (FORMERLY CDC WICKENBURG  
20 WATER, LLC), FOR A RATE  
21 ADJUSTMENT

Docket No. W-03994A-07-0657

**WICKENBURG RANCH WATER'S  
MOTION FOR COMMISSION TO  
MODIFY DECISION NO. 70741**

22 On August 6, 2009, Chairman Mayes submitted comments in this proceeding  
23 expressing her belief that the Arizona Corporation Commission ("Commission") and  
24 Wickenburg Ranch Water Company ("Wickenburg Ranch") share a common goal of  
25 conserving groundwater. *See* Letter from Chairman Mayes to Colleagues and Parties,  
26 regarding Docket No. W-03994A-07-0657 (August 6, 2009). Noting Wickenburg  
27 Ranch's strong commitment to implement water conservation measures evidenced in this  
28 proceeding, Chairman Mayes suggested staying these proceedings to give the

1 Commission and Wickenburg Ranch an opportunity to resolve the outstanding issues and  
2 thereby mitigate the strain on resources the rehearing proceeding is causing. Thereafter,  
3 the proceedings were stayed.  
4

5 Wickenburg Ranch agrees with Chairman Mayes and likewise believes that it is in  
6 the parties' best interest to resolve the issues raised in the rehearing proceeding outside of  
7 the adversarial litigation setting. Accordingly, pursuant to A.R.S. §§ 40-252 and/or 40-  
8 253, Wickenburg Ranch hereby moves the Commission to modify Decision No. 70741 as  
9 described below.<sup>1</sup>  
10

11 **Proposed Resolution of Issues**  
12

13 On July 31, 2009, Wickenburg Ranch submitted the Notice of Compliance Action  
14 Regarding Best Management Practices and Notice of Compliance Action Regarding  
15 Water Service Tariffs. Wickenburg Ranch purposely crafted these documents in such a  
16 way that would allow it to implement the 10 Best Management Practices and the tariffs  
17 attached to these filings while meeting both the Commission's objectives and the legal  
18 constraints that pertain to such matters.  
19  
20

21 With the Commission's finding that these submittals are acceptable in substance,  
22 Decision No. 70741 will need to be modified to ensure that the litigation issues are  
23 resolved. Accordingly, Wickenburg Ranch moves to amend Decision No. 70741 by  
24 substituting the following provisions as follows:  
25

26 // // //  
27 \_\_\_\_\_  
28

<sup>1</sup> To be clear, the proposed revisions to Decision No. 70741 herein are attempts by Wickenburg Ranch to resolve this matter and do not amend the legal positions asserted by the company in this proceeding.

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- **Page 8, ¶ 18.** Although Wickenburg Ranch is located outside an Active Management Area, it has pledged to implement certain conservation goals and management practices of the Arizona Department of Water Resources (“ADWR”). Wickenburg Ranch is willing to implement, at least 10 Best Management Practices (“BMP”) (as outlined in ADWR’s Modified Non-Per Capita Conservation Program), and only one of these BMPs is from the “Public awareness/PR or Education and Training categories of the BMPs.
  - **Page 8, ¶ 19.** Knowing that the Commission has become increasingly concerned with the prolonged drought in Central Arizona, the Company has submitted tariffs for Commission consideration that encourage groundwater conservation by providing incentives for customers to implement full xeriscape landscaping and install rainwater catchment systems.
  - **Page 17, ¶ 44.** Knowing that the Commission has become increasingly concerned about the prolonged drought in Central Arizona, Wickenburg Ranch has agreed to facilitate groundwater conservation by pledging to not sell groundwater to irrigate the golf course, fill ornamental lakes, or provide water for water features located in the common areas of the proposed new developments within the certificated area. Wickenburg Ranch has further pledged to work with the wastewater provider for its certificated area, once that wastewater provider is approved, to ensure that effluent is used to irrigate the golf course, fill ornamental lakes, or provide effluent for water features once effluent is being produced.
  - **Page 20, line 17.** IT IS FURTHER ORDERED that, in light of the ongoing drought conditions in Central Arizona and the need to conserve groundwater, and consistent with its pledges in this proceeding, Wickenburg Ranch Water, LLC, may not sell groundwater to irrigate the golf course, fill ornamental lakes, or provide water for water features located in the common areas of the proposed new developments within the certificated area.
  - **Page 20, line 22.** IT IS FURTHER ORDERED that, consistent with its pledges in this proceeding, Wickenburg Ranch Water, LLC, shall implement the 10 Best Management Practices that it has submitted to Docket Control on July 31, 2009.
  - **Page 20, line 27, through page 21, line 7.** IT IS FURTHER ORDERED that, consistent with its pledges in this proceeding, the Company shall provide incentives for its customers to implement full xeriscape landscaping and install rainwater catchment systems as set forth in the tariffs submitted by the Company to Docket Control on July 31, 2009.

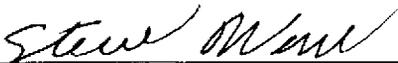
1 Wickenburg Ranch further requests that any and all conforming changes be made to  
2 ensure each provision of Decision No. 70741 complies with language herein.

3  
4 **Motion to Set Issues Raised Herein for Upcoming Open Meeting**

5 Wickenburg Ranch further moves the Commission to set this matter for discussion  
6 and possible action on the next regular open meeting to be held on October 20 and 21,  
7 2009. If at that time the Commission and Wickenburg Ranch resolve this matter, then the  
8 Commission can amend Decision No. 70741 and Wickenburg Ranch's Application for  
9 Rehearing will be moot, or alternatively, can be withdrawn by the Company.  
10

11 DATED September 25, 2009.

12  
13 **MOYES SELLERS & SIMS, LTD.**

14  
15   
16 Steve Wene  
17 Attorneys for Wickenburg Ranch Water

18 **Original and thirteen** copies filed  
19 this 25<sup>th</sup> day of September, 2009 with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington  
23 Phoenix, Arizona 85007

24 Copies of the foregoing mailed  
25 this 25<sup>th</sup> day of September, 2009 to:

26 Janice Alward, Chief Counsel  
27 Kevin Torrey, Attorney  
28 Legal Division  
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6 *Donnelly Herbert*  
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