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2009 OCT 30 P 4: 34 Arizona Corporation Commission

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OCT 30 2009

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1 FENNEMORE CRAIG, P.C.  
Jay L. Shapiro (No. 014650)  
2 Todd C. Wiley (No. No. 015358)  
3003 N. Central Ave.  
3 Suite 2600  
Phoenix, Arizona 85012  
4 Attorneys for Litchfield Park Service Company

BEFORE THE ARIZONA CORPORATION COMMISSION

9 IN THE MATTER OF THE  
10 APPLICATION OF LITCHFIELD PARK  
SERVICE COMPANY, AN ARIZONA  
CORPORATION, FOR A  
11 DETERMINATION OF THE FAIR  
12 VALUE OF ITS UTILITY PLANTS AND  
PROPERTY AND FOR INCREASES IN  
13 ITS WATER AND WASTEWATER  
RATES AND CHARGES FOR UTILITY  
SERVICE BASED THEREON.

DOCKET NO: SW-01428A-09-0103

14 IN THE MATTER OF THE  
15 APPLICATION OF LITCHFIELD PARK  
SERVICE COMPANY, AN ARIZONA  
CORPORATION, FOR A  
16 DETERMINATION OF THE FAIR  
17 VALUE OF ITS UTILITY PLANTS AND  
PROPERTY AND FOR INCREASES IN  
18 ITS WATER AND WASTEWATER  
RATES AND CHARGES FOR UTILITY  
19 SERVICE BASED THEREON.

DOCKET NO: W-01427A-09-0104

**NOTICE OF FILING  
CERTIFICATION OF PUBLICATION  
AND PROOF OF MAILING**

20 Pursuant to the Procedural Order dated May 21, 2009, Litchfield Park Service  
21 Company ("LPSCO") hereby files this Notice of Filing Certification of Publication and  
22 Proof of Mailing in the above-referenced docket numbers.

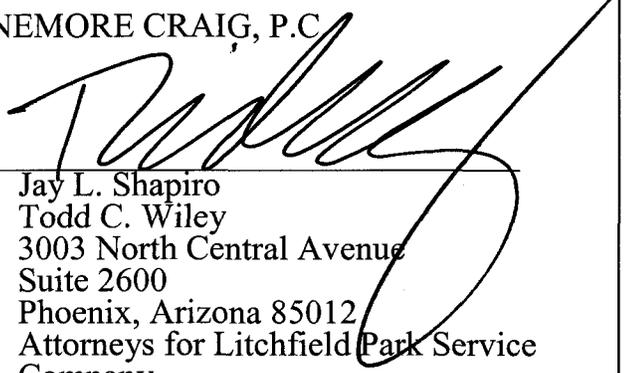
23 On August 18, 2009 notification of the hearing set for January 4, 2010 was  
24 published in the West Valley View and the West Valley Business. The affidavit of Elliott  
25 Freireich is attached hereto as Exhibit 1.

26 On August 10, 2009, August 17, 2009, and August 24, 2009, LPSCO mailed

1 notification to customers. A confirmation letter from Sandy Connelly, Account Manager  
2 of aprisa enterprises, llc, is attached hereto as Exhibit 2, along with a copy of the notice.

3 RESPECTFULLY SUBMITTED this 30th day of October, 2009.

4 FENNEMORE CRAIG, P.C.

5  
6 By 

7 Jay L. Shapiro  
8 Todd C. Wiley  
9 3003 North Central Avenue  
10 Suite 2600  
11 Phoenix, Arizona 85012  
12 Attorneys for Litchfield Park Service  
13 Company

11 ORIGINAL and fifteen (15) copies of the  
12 foregoing, were delivered  
13 this 30th day of October, 2009, to:

13 Docket Control  
14 Arizona Corporation Commission  
15 1200 W. Washington St.  
16 Phoenix, AZ 85007

15 **COPY** of the foregoing was hand-delivered  
16 this 30th day of October, 2009 to:

17 Dwight Nodes  
18 Assistant Chief Administrative Law Judge  
19 Hearing Division  
20 Arizona Corporation Commission  
21 1200 West Washington  
22 Phoenix, Arizona 85007

21 Kevin Torrey, Esq.  
22 Hearing Division  
23 Arizona Corporation Commission  
24 1200 West Washington  
25 Phoenix, Arizona 85007

23 Carmen Madrid, Compliance  
24 Utilities Division  
25 Arizona Corporation Commission  
26 1200 West Washington  
Phoenix, Arizona 85007

1 Michelle Wood, Esq.  
RUCO  
2 1110 W. Washington St., Suite 220  
Phoenix, Arizona 85007

3 **COPY** of the foregoing was sent via U.S. Mail  
4 this 30th day of October, 2009 to:

5 Craig A. Marks, Esq.  
Craig A. Marks, PLC  
6 10645 N. Tatum Blvd., Suite 200-676  
Phoenix, AZ 85028

7 William P. Sullivan, Esq.  
8 Susan D. Goodwin, Esq.  
Larry K. Udall, Esq.  
9 Curtis, Goodwin, Sullivan, Udall & Schwab  
501 E. Thomas Rd.  
10 Phoenix, AZ 85012

11 Martin A. Aronson  
Robert J. Moon  
12 Morrill & Aronson, PLC  
One E. Camelback Rd., Suite 340  
13 Phoenix, AZ 85012  
Attorneys for Pebblecreek Properties Limited  
14 Partnership

15  
16 By: *Martin Aronson*

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18 2252327.1/60199.009

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26

# **EXHIBIT**

**1**

# WEST VALLEY BUSINESS

1050 E. Riley Dr., Avondale, AZ 85323 ♦ (623) 535-8439 ♦ Fax: (623) 935-2103

## AFFIDAVIT OF PUBLICATION

State of Arizona

County of Maricopa

I, Elliott Freireich, publisher of West Valley View and West Valley Business, newspapers of general circulation in Avondale, Buckeye, Goodyear, Litchfield Park and Tolleson, Arizona, attest that the legal advertisement for

Litchfield Park Service Company  
Public Notice - Public Hearing on the applications  
of Litchfield Park Service Company for permanent  
base rate increases for wastewater and water service  
(Docket Nos. SW-01427A-09-0103 and W-01427A-09-0104)  
Hearings will begin January 4, 2010 at 10 a.m. at Commissioner's  
Office  
will be / has been published on August 18, 2009.



Elliott Freireich  
President, West Valley View Inc.

August 18, 2009.  
Date

SUBSCRIBED AND SWORN TO BEFORE ME ON THE  
18 DAY OF August (Month), 2009 (YEAR)

NOTARY SIGNATURE:

Rene Leeann Hartmann



**PUBLIC NOTICE OF HEARING**  
**ON THE APPLICATIONS**  
**OF LITCHFIELD PARK SERVICE**  
**COMPANY FOR PERMANENT BASE**  
**RATE INCREASES FOR**  
**WASTEWATER AND WATER SERVICE**  
**(DOCKET NOS. SW-01428A-09-0103**  
**AND W-01427A-09-0104)**

**Summary**

On March 9, 2009, Litchfield Park Service Company ("LPSCO" or "Company") filed with the Arizona Corporation Commission ("Commission") applications for permanent base rate increases for wastewater and water service provided within LPSCO's service territory. These dockets have been consolidated for purposes of hearing and consideration by the Commission. LPSCO is requesting an increase in its current water utility revenues of \$7,509,328 (116 percent) and an increase in its wastewater utility revenues of \$5,004,346 (78.7 percent).

As an example of the rate impact on customers, if the Company's proposal for a water rate increase were to be adopted by the Commission in its entirety, a residential customer served by a ¾-inch meter, with average usage of 9,537 gallons per month, would experience an increase from the current \$18.64 per month to \$41.16 per month (\$22.52 increase per month, or approximately 120 percent). A residential customer serviced by a 1-inch meter, with average usage of 14,556 gallons per month, would experience an increase from the current \$31.56 per month to \$70.53 per month (\$38.97 increase per month, or approximately 123 percent), if LPSCO's proposal were to be adopted in its entirety.

As an example of the rate impact of LPSCO's application to increase wastewater rates, if the Company's proposal were to be adopted by the Commission in its entirety, a residential customer would experience an increase from the current flat rate of \$27.20 per month to a flat rate of \$49.22 per month (\$22.02 increase per month, or approximately 81 percent).

These examples are for illustrative purposes only, and the actual dollar and percentage increases for individual customers would vary depending on the type of customer served, and the quantity consumed for water service.

The Commission's Utilities Division Staff ("Staff") is in the process of auditing and analyzing the application, and has not yet made any recommendations regarding LPSCO's proposed rate increase. The residential Utility Consumer Office is also a party to this proceeding and will analyze the application and make recommendations to the Commission. The Commission will determine the appropriate relief to be granted based on the evidence presented by the parties. The Commission is not bound by the proposals made by the LPSCO, Staff, or any other interveners; therefore, the final rates approved by the Commission may differ from the rates requested by the Company.

### **How You Can View or Obtain a Copy of the Rate Proposal**

Copies of the application and proposed rates are available from LPSCO [during business hours at 12725 W. Indian School Rd Ste D101 Avondale, AZ 85392] and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

### **Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing on this matter beginning January 4, 2010, at 10:00 a.m., at the Commission's offices, Hearing Room #1, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket Nos. SW-01428A-09-0103 and W-01427A-09-0104 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to [http://www.azcc.gov/divisions/utilities/forms/public\\_comment.pdf](http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf). If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

### **About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **October 19, 2009**, and send a copy of the motion to LPSCO or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom service of document is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of LPSCO, a shareholder of LPSCO, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to LPSCO or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before October 19, 2009**. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervener obtaining counsel to represent the intervener. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/intervention.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. **However, failure to intervene will not preclude any interested person or entity** from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

### **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail [Sbernal@azcc.gov](mailto:Sbernal@azcc.gov), voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

Published in the West Valley View, and the West Valley Business on August 18, 2009.

# **EXHIBIT**

**2**

September 8, 2009

aprisa enterprises, llc  
428 S. Gilbert Rd. #105  
Gilbert, AZ 85296

Liberty Water  
12725 W. Indian School Rd.  
Avondale, AZ 85392

RE: Confirmation of "Notice of Public Hearing" notices mailed for Litchfield Park and Rio Rico Utilities

To whom it may concern:

Please accept this letter as confirmation that the Notice of Public Hearing Notices were mailed out on the following dates:

**Litchfield Park - August 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>.**

**Rio Rico - August 5<sup>th</sup>, 12<sup>th</sup> & 26<sup>th</sup>.**

If you should have any questions, please do not hesitate to contact me at the phone number below.

Sandy Connelly  
Account Manager

aprisa enterprises, llc  
428 S. Gilbert Rd., #105  
Gilbert, AZ 5296

480-507-5600 X705

**PUBLIC NOTICE OF HEARING ON THE APPLICATIONS  
OF LITCHFIELD PARK SERVICE COMPANY FOR  
PERMANENT BASE RATE INCREASES FOR  
WASTEWATER AND WATER SERVICE  
(DOCKET NOS. SW-01428A-09-0103 AND W-01427A-09-0104)**

**Summary**

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