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November 6, 2009

Arizona Corporation Commission

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NOV - 6 2009

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



RE: Tierra Linda Homeowners Association, Inc. and Gary Smyth – Joint Application for authorization to sell water system assets and transfer Certificate of Convenience and Necessity to Gary Smyth Docket Nos. W-20689A-09-0327 and W-04236A-09-0327
INSUFFICIENCY LETTER #2

Dear Mr. Robertson:

In reference to the above mentioned application filed on June 26, 2009, and the supporting documents filed on October 9, 2009, this letter is to inform you that the application still has not met the sufficiency requirements as outlined in the Arizona Administrative Code. The deficiencies are:

1. In response to Staff's July 24, 2009 Insufficiency letter, Item No.1, the Applicant reiterated that Pima County Franchise is not required because the water system is located in recorded plat dedicated easements on private property. Every applicant for a CC&N and/or CC&N extension is required to submit to the Commission evidence showing that the applicant has received the required consent, franchise or permit from the proper authority. If the applicant operates in an unincorporated area, the company has to obtain the franchise from the County. If the applicant operates in an incorporated area of the County, the applicant has to obtain the franchise from the City/Town. Please provide a letter from Pima County stating that franchise, permit or consent is not required. If not, please provide a copy of the transfer of Pima County Franchise from the Transferor to the Transferee. If the franchise agreement has not been issued, please inform Staff of the status of the application for the franchise agreement.
2. In response to Staff's July 24, 2009 Insufficiency letter, Item No. 11, the applicant provided its 2008 Commission Annual Report for Cayetano, Inc. dba Lakewood Water Company. A review of the water use data included in the subject annual report has gallons of water sold exceeding gallons of water pumped for January, February, April, May and June. Please provide the actual gallons pumped data for the period in question.
3. Please provide current ADWR and ADEQ compliance status reports for Goodman Water Company.

4. Please provide documentation from ADWR that indicates the current ADWR compliance status for Lakewood Estates. Please describe any deficiencies noted and explain what the applicant is doing to address those deficiencies.
5. Please provide the status of the following Tierra Linda Homeowners Association's WIFA application. Does the new owner intend to pursue this application, please explain?
Project Name: Tierra Linda Well No. 2 Permitting and Design, Booster motor upgrades,
Application Number: TADW-067-2010

Staff would like to use this opportunity to bring the following to your attention:

- Pursuant to the Arizona Administrative Code ("A.A.C.") R-14-2-411(C), the time-frame for administrative completeness review shall be suspended from the time the notice of deficiency is issued until staff determines that the application is complete. Upon meeting sufficiency requirements, the Commission has 150 calendar days for its substantive review. This includes conducting a hearing and preparing Opinion and Order to present to the Commission at an Open Meeting

Please file your response to this Insufficiency Letter with Docket Control.

If you have any questions concerning this matter, please do not hesitate to contact me at 602-542-0840 or Del Smith at 602-542-7277.

Very truly yours,



Blessing N. Chukwu
Executive Consultant III

BNC

cc: Docket Control
Del Smith
Lyn Farmer
Brian Bozzo
Connie Walczak