

ORIGINAL

COMMISSIONERS
KRISTIN K. MAYES – Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

OPEN MEETING ITEM



0000105527

EXECUTIVE DIRECTOR

ARIZONA CORPORATION COMMISSION

DATE: NOVEMBER 30, 2009

DOCKET NO.: WS-01678A-07-0116

TO ALL PARTIES:

Arizona Corporation Commission

DOCKETED

NOV 30 2009

DOCKETED BY	
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Enclosed please find the recommendation of Administrative Law Judge Jane A. Rodda. The recommendation has been filed in the form of an Order on:

**BACA FLOAT WATER COMPANY
(CC&N EXTENSION)**

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

DECEMBER 9, 2009

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

DECEMBER 15, 2009 and DECEMBER 16, 2009

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

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EXECUTIVE DIRECTOR

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 KRISTIN K. MAYES - Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

7 IN THE MATTER OF APPLICATION OF BACA
8 FLOAT WATER COMPANY FOR AN
9 EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. WS-01678A-07-0116

DECISION NO. _____

ORDER

10 Open Meeting
11 December 15 & 16, 2009
12 Phoenix, Arizona

13 **BY THE COMMISSION:**

14 Having considered the entire record herein and being fully advised in the premises, the
15 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

16 **FINDINGS OF FACT**

17 1. In Decision No. 69949 (October 30, 2007), the Commission approved the application of
18 Baca Float water Company ("Baca Float" or "Company") for an extension of its existing Certificate
19 of Convenience and Necessity for water service.

20 2. As part of Decision No. 69949, the Commission ordered Baca Float to file a copy of the
21 ADEQ Approval to Construct ("ATC") for the facilities needed to serve the first phase of
22 development in the requested area within two years of the effective date of the Decision, which
23 would be October 30, 2009.

24 3. On September 3, 2009, Baca Float filed a Motion for Extension of Time to File
25 Compliance Item, which requested an extension until October 30, 2011, to file the required ATC. In
26 its filing, the Company states that the property once owned by W&M Tenants in Common and
27 Presidion de Tubac, LLC was sold to Presidio de Tubac Development, Inc. ("Presidio
28 Development") thereby consolidating ownership. The Company reports that Presidio Development

1 has delayed its plan to develop the master planned community due to the economic downturn, and
2 expects construction to begin in 2011.

3 4. On October 1, 2009, the Commission's Utility Division ("Staff") docketed a
4 Memorandum that concludes in Staff's opinion, it is not unreasonable that the Company would seek
5 an extension of time based on postponed development given the current real estate market and
6 economic downturn. Staff notes the extension request was timely filed and included an updated
7 request for service from the new owner.

8 5. Staff states that it does not object to Baca Float's request for extension to file the
9 ATC.

10 6. Staff recommends that the deadline be extended until October 30, 2011 and that no
11 further extensions be granted.

12 7. The request for an extension is reasonable under the circumstances..

13 **CONCLUSIONS OF LAW**

14 1. Baca Float is a public service corporation within the meaning of Article XV of the
15 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

16 2. The Commission has jurisdiction over Baca Float and the subject matter of the
17 request.

18 3. The requested extension of time is reasonable and should be approved.

19 **ORDER**

20 IT IS THEREFORE ORDERED that the deadline for Baca Float Water Company to file a
21 Approval To Construct for the facilities needed to serve the first phase of development of the
22 extension area as set forth in Decision No. 69949, shall be extended until October 30, 2011.

23 IT IS FURTHER ORDERED that all other provisions of Decision No. 69949 shall remain in
24 effect.

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IT IS FURTHER ORDERED that no additional extensions of time shall be granted 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

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 _____ day of _____, 2009.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: BACA FLOAT WATER COMPANY

2 DOCKET NO.: WS-01678A-07-0116

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