



0000107214

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**ORIGINAL**

MEMORANDUM

TO: Docket Control

FROM: Steven M. Olea  
Director  
Utilities Division

Date: February 5, 2010

RE: STAFF REPORT FOR THE APPLICATION OF DESPOLADO WATER COMPANY FOR CANCELLATION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET NO: W-01642A-09-0432)

Attached is the Staff Report for the application of Despoblado Water Company to cancel its Certificate of Convenience and Necessity. Staff recommends approval.

SMO:VW:lhmm\CHH

Originator: Vicki Wallace

Arizona Corporation Commission  
**DOCKETED**  
FEB - 5 2010

DOCKETED BY

RECEIVED  
2010 FEB - 5 P 4: 26  
ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Service List For: Despoblado Water Company  
Docket No. W-01642A-09-0432

Mr. Peter O'Crotty  
9170 North Rancho Feliz Drive  
Tucson, Arizona 85704

Mr. Steven M. Olea  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

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Chief Counsel, Legal Division  
Arizona Corporation Commission  
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Phoenix, Arizona 85007

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Chief, Hearing Division  
Arizona Corporation Commission  
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Phoenix, Arizona 85007

STAFF REPORT  
UTILITIES DIVISION  
ARIZONA CORPORATION COMMISSION

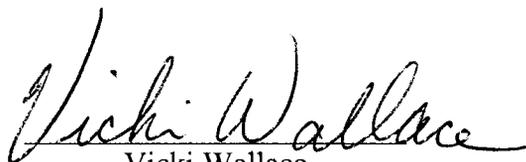
DESPOBLADO WATER COMPANY  
DOCKET NO. W-01642A-09-0432

APPLICATION OF  
DESPOBLADO WATER COMPANY  
TO CANCEL ITS  
CERTIFICATE OF CONVENIENCE AND NECESSITY

FEBRUARY 5, 2010

## STAFF ACKNOWLEDGMENT

The Staff Report for Despoblado Water Company, Docket No. W-01642A-09-0432, was prepared by the Staff member(s) shown below.

A handwritten signature in cursive script that reads "Vicki Wallace". The signature is written in black ink and is positioned above the printed name and title.

Vicki Wallace  
Executive Consultant

**EXECUTIVE SUMMARY  
DESPOBLADO WATER COMPANY  
DOCKET NO. W-01642A-09-0432**

On September 8, 2009, Despoblado Water Company ("Despoblado" or "Company") filed an application with the Arizona Corporation Commission ("Commission" or "ACC") to cancel its Certificate of Convenience and Necessity ("CC&N") to provide water service in Pima County, Arizona.

Despoblado is an Arizona sole proprietorship certificated to provide water utility services near Tucson, Arizona, in Pima County via Decision No. 31596, issued June 3, 1959. The certificated area consists of a subdivided ten acre parcel owned by Berenice G. O'Crotty who is also the owner of Despoblado. The ten acre parcel contains nine casita rentals that are also owned by Berenice G. O'Crotty, and Ms. O'Crotty's personal residence on which the Despoblado well site is located.

The Company initially sought a CC&N to provide water to their personal property and nine small casita rentals they had built on the ten acre property. However, the Company never read meters or billed tenants for water. Since the CC&N was approved in 1959, no one has ever been charged for water service, and the nine casita rentals have received the water for free. Subsequently, about 20 years ago, the well went dry and was deactivated and dismantled. Since that time, water has been purchased from what is now known as the Metropolitan Domestic Water Improvement District ("Metro").

The only customer of Despoblado is and has always been Ms. O'Crotty. She is also the only customer of Metro who now supplies water to the area. The Company has never been requested to or provided water to anyone else.

Ms. O'Crotty has at no point charged for water service. Instead, the Company provides water service to nine casitas that it owns and rents out as well as to the home of Despoblado's owner. Based on Staff's review of Despoblado's operations, and in light of the fact that it does not and has not ever charged customers for water usage but has instead provided water incidental to the rental of the casitas which are all owned by Ms. O'Crotty, Staff believes that it is appropriate to cancel Despoblado's CC&N.

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## **INTRODUCTION**

On September 8, 2009, Despoblado Water Company ("Despoblado", "Company" or "Applicant") filed an application with the Arizona Corporation Commission ("Commission" or "ACC") to cancel its Certificate of Convenience and Necessity ("CC&N") to provide water service in Pima County, Arizona.

On October 8, 2009, the ACC Utilities Division ("Staff") filed an Insufficiency Letter indicating that the Company's application did not meet the sufficiency requirements of Arizona Administrative Code ("A.A.C."). A copy of the Insufficiency Letter was sent to the Company via U. S. certified mail. In that letter, Staff listed the deficiencies to be cured for administrative purposes.

On October 28, 2009, the Company filed its response to Staff's Insufficiency Letter and provided additional documentation to support its application. On November 25, 2009, Staff filed a Sufficiency Letter indicating that the application had met the sufficiency requirements of the A.A.C.

On December 18, 2009, a telephonic Procedural Conference was held at the Commission's Tucson offices, and the parties stated they did not believe a hearing in this matter was necessary.

On December 24, 2009, a Procedural Order was issued requiring Staff to file its Staff report by February 5, 2009.

## **BACKGROUND**

Despoblado is an Arizona sole proprietorship certificated to provide water utility services near Tucson, Arizona, in Pima County via Decision No. 31596, issued June 3, 1959. Per information received from the Corporations Division of the ACC, this Company is not registered as a corporation. Staff's legal description and engineering map of the service area is attached as Exhibit 1. The certificated area consists of a ten lot subdivision, with all lots owned by Berenice G. O'Crotty who is also the owner of Despoblado. The ten lot subdivision contains nine casita rentals that are also owned by Berenice G. O'Crotty and Ms. O'Crotty's personal residence on which the Despoblado well site is located. A map and legal description of the service area property obtained by the Applicant from the Pima County Assessor's website is attached as Exhibit 2.

The Applicant indicates the Company initially sought a CC&N to provide water to its personal property and nine small casita rentals it had built on the ten acre property. However, the Company never read meters or billed tenants for water. Since the CC&N was approval in 1959, no one has ever been charged for water service, and the nine casita rentals have received the water for free. The Applicant further advised that about 20 years ago, the well went dry and was deactivated and dismantled. Water was then purchased and supplied, via one master meter

to Ms. O'Crotty's property by Metropolitan Water Company. Metropolitan Water Company was a regulated public utility until February 21, 1992, at which time the Commission approved a sale and transfer of assets to the City of Tucson and cancellation of the CC&N. Subsequently, the customers of the former Metropolitan Water Company formed the Metropolitan Domestic Water Improvement District ("Metro") which was approved by the Pima County Board of Supervisors on July 7, 1992. The purchase of assets from the City of Tucson was consummated on October 2, 1992. Thus, Ms. O'Crotty began receiving water from Metro.

The only customer of Despoblada is and has always been Ms. O'Crotty. She is also the only customer of Metro who now supplies water to the area.

### **THE DESPOBLADO WATER SYSTEM OPERATION AND ORGANIZATION**

The organizational structure of Despoblado consists of Ms. O'Crotty as the owner and her son (Peter O'Crotty who filed the application) as an unpaid manager on her behalf. The Company states there are no Company assets except 100 feet of main line, nine meters, and a master meter since the well went dry as indicated above and was dismantled approximately 20 years ago. There is also an old out-of-use water storage tank still remaining. Other than the nine casita rentals owned by Ms. O'Crotty, the Company has never been requested to or provided water to anyone else. The owner of Despoblado, Bernice G. O'Crotty, submitted an affidavit (Exhibit 3) at the request of Staff affirming that she was the sole owner of the ten acre certified area served by Despoblado; that she had never sold water to anyone within or outside the certified area; and that she had received a copy of the public notice of cancellation.

As indicated on Staff's Engineering Map (Exhibit 1), there are two water companies (both non-jurisdictional) within Range 13 East, Township 12 South. The Company maintains that cancellation of the CC&N will have absolutely no effect on anyone since Ms. O'Crotty is her own water customer, and she owns the Company and the nine casita rentals for which the Company provides water. The Applicant further assures the practice of not billing the nine casita rentals for water will remain unchanged. The Applicant states there are no plans to ever sell the property. If the property were to be sold, it would be as a whole, and water would be provided as it is now from Metro. Each rental has a meter; however, as indicated above, they have never been read or charged. The rental agreement indicates that water will be provided by lessor. There are also no ACC compliance deficiencies shown for this Company.

At the request of Staff, the Company completed the actual form provided by the ACC for "Application for Approval of the Sale of Assets and/or Cancellation of the Certificate of Convenience and Necessity". The application is attached as Exhibit 4. The Company indicated that there were no security deposits for the rental units since they are not charged for water. The attachments to the application from Pima County also show that all the rental units are owned by Ms. O'Crotty as well as her own residence and the well site. The Company also indicates that there are no mechanics, tax or other liens against the Company or its owner.

### **CUSTOMER NOTICE**

The Procedural Order docketed on December 24, 2009, required Despoblado to serve public notice of the Application and right to request a hearing. The Applicant published the requested notice on January 6, 2010, which is attached as Exhibit 5. The Company was also required to mail or hand deliver to each property owner within the certified area a copy of the notice. Since Ms. O'Crotty is the only property owner within the certified territory, the Company provided documentation of her receipt of the notice in Exhibit 6.

### **CONCLUSIONS AND RECOMMENDATIONS**

Despoblado does not have any customers and has at no point charged for water service. Instead, it provides water service to nine casitas that it owns and rents out as well as to the home of Despoblado's owner. Based on Staff's review of Despoblado's operations, and in light of the fact that it does not and has not ever charged customers for water usage but has instead provided water incidental to the rental of the casitas which are all owned by Despoblado's owner, Ms. O'Crotty, Staff believes that it is appropriate to cancel Despoblado's CC&N.

The circumstances of Despoblado are similar to those present in the case of *Arizona Corp. Comm'n v. Nicholson*, 108 Ariz. 317, 497 P.2d 815 (1972). In *Nicholson*, the owner of a trailer park provided water service to the trailer lots within the park from a water system located on site that included a well, pump, and distribution infrastructure. The owner did not charge the trailer lot tenants for the amount of water used but instead included water service as part of several services included in the rental price. Ultimately, the trailer park in *Nicholson* was determined not to be a public service corporation because, to the extent that it was providing service to the tenants, it was incidental to the primary business of the trailer park which was the rental of trailer lots.

Staff believes that Despoblado is similar to the trailer park in *Nicholson*, because it does not charge customers for water service and to the extent that it provides water services to the casitas, such water service would be incidental to making the casitas suitable for rental. Additionally, the Company no longer has the infrastructure to provide water service to the public. As such, Staff does not believe that the Company is a public service corporation.

Staff recommends that the application be granted and that the Certificate of Convenience and Necessity be cancelled.

**MEMORANDUM**

TO: Vicki Wallace  
Chief, Consumer Services & Special Projects  
Utilities Division

FROM: Barb Wells *bw*  
Information Technology Specialist  
Utilities Division

THRU: Del Smith *DS*  
Engineering Supervisor  
Utilities Division

DATE: August 31, 2009

RE: **DESPOBLADO WATER COMPANY (DOCKET NO. W-01642A-09-0432)**

Despoblado has requested that its CC#N be cancelled.

Attached is a copy of the map for your files.

:bsw

Attachment

cc: Mr. Peter O'Crotty  
Ms. Deb Person (Hand Carried)

# PIMA COUNTY

Map No. 12

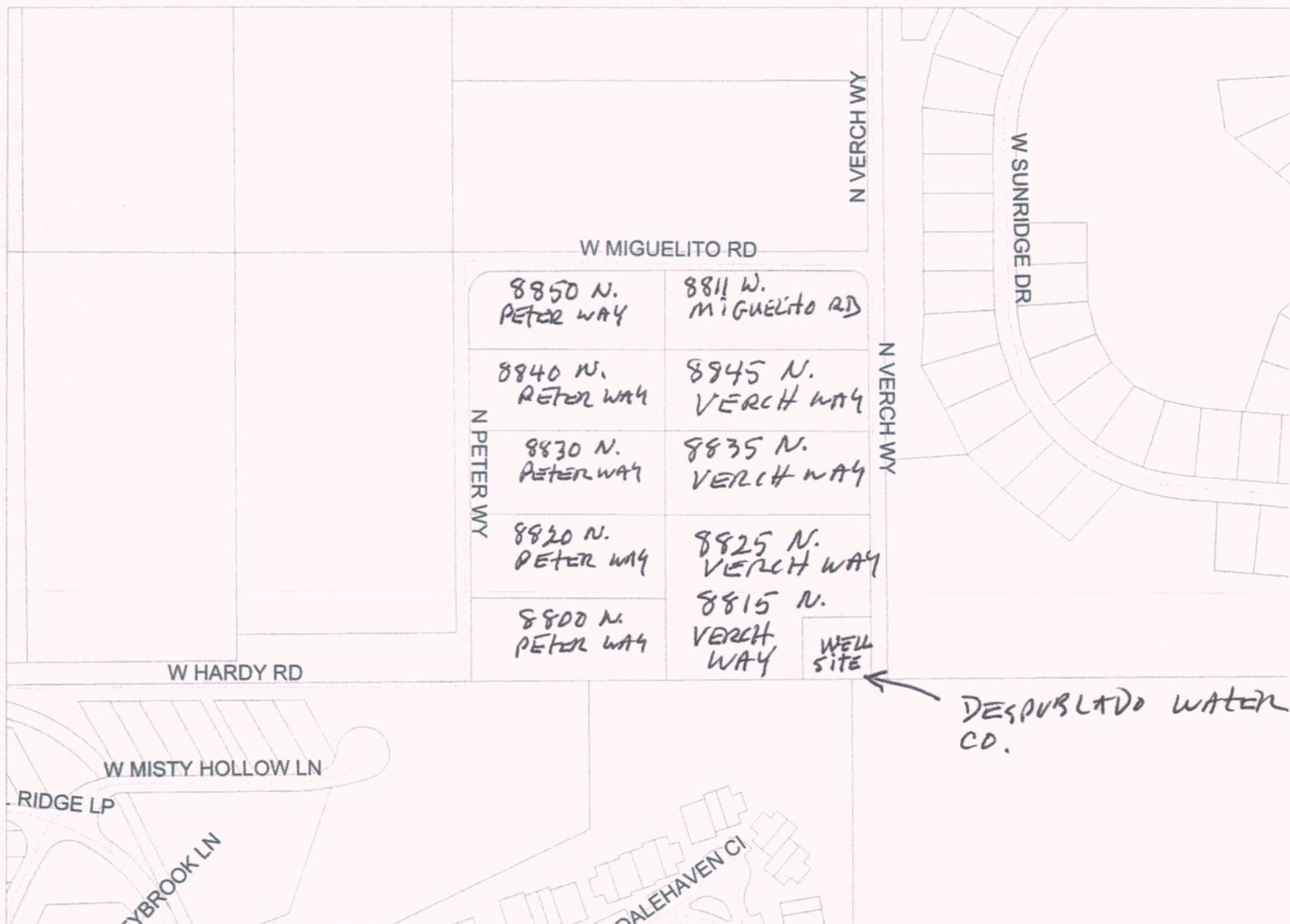
## RANGE 13 East

06	05	04	03	02	01
07	08	09	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

## TOWNSHIP 12 South

-  W-01642A (1)
-  Despolado Water Company (1)
-  Loeffler Lane Homeowners Association (Nonjurisdictional) (1)
-  Mesaland Water Company (Nonjurisdictional) (1)

Despolado Water Company  
 Docket No. W-01642A-09-0432  
 Application to Cancel CC&N



SUBDIVED TEN ACRE PARCEL OWNED BY BERENICE G. O'CROTTY TR. (Q) CASITA RENTALS ON THIS TEN ACRE PARCEL ARE SERVED WATER BY DESPUBLADO WATER CO. TENANT OF THE (Q) CASITAS ARE NOT BILLED FOR THE WATER

PARCEL	TAX PAYER	ADDRESS	PARCEL USE	USE DEFINITION	TOTAL FCV
225070430	O'CROTTY BERENICE GOODWIN TR FOR	1811 W MIGUELITO RD	0011	VACANT RESIDENTIAL URBAN SUBDIVIDED	\$50,000
225070450	O'CROTTY BERENICE GOODWIN TR FOR	8835 N VERCH WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$99,657
<del>103127140</del>	<del>CROTTY ROBERTA L</del>	<del>3457 N CRYSTAL HILL AV</del>	0141	SFR GRADE 010-4 URBAN SUBDIVIDED	\$236,935
<del>225071120</del>	<del>O'CROTTY PETER HOLCROFT</del>	<del>9170 N RANCHO FELIZ DR</del>	0131	SFR GRADE 010-3 URBAN SUBDIVIDED	\$194,209
<del>217520540</del>	<del>TERAN MARIO &amp; CATHERINE CROTTY CP/RS</del>	<del>11308 W MASSEY DR</del>	0133	SFR GRADE 010-3 RURAL SUBDIVIDED	\$149,181
225070400	O'CROTTY BERENICE GOODWIN TR FOR	8830 N PETER WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$99,584
225070380	O'CROTTY BERENICE GOODWIN TR FOR	8800 N PETER WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$111,257
225070380	O'CROTTY BERENICE GOODWIN TR FOR	8800 N VERCH WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$111,257
<del>225518630</del>	<del>ROYAL S ARTEMISA &amp; O'CROTTY MARGARET R JT/RS</del>	<del>7945 N VILLAGE AV</del>	0131	SFR GRADE 010-3 URBAN SUBDIVIDED	\$222,215
225070420	O'CROTTY BERENICE GOODWIN TR FOR	8850 N PETER WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED (2) CASITAS	\$118,003
225070440	O'CROTTY BERENICE GOODWIN TR FOR	8845 N VERCH WY	0011	VACANT RESIDENTIAL URBAN SUBDIVIDED	\$50,000
<del>218433250</del>	<del>CROTTY PATRICK E &amp; VICKY L CP/RS</del>	<del>5201 W ARID CANYON DR</del>	0143	SFR GRADE 010-4 RURAL SUBDIVIDED	\$252,397
<del>225230670</del>	<del>O'CROTTY MARGARET R</del>	<del>1620 W DAWN DR</del>	0131	SFR GRADE 010-3 URBAN SUBDIVIDED	\$214,975
225070390	O'CROTTY BERENICE GOODWIN TR FOR	8820 N PETER WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$99,433
225070410	O'CROTTY BERENICE GOODWIN TR FOR	8840 N PETER WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED CASITA	\$99,866
22507046A	O'CROTTY BERENICE GOODWIN TR FOR	8825 N VERCH WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED	\$227,701
22507046A	O'CROTTY BERENICE GOODWIN TR FOR	8815 N VERCH WY	0131	SFR GRADE 010-3 URBAN SUBDIVIDED OWNER'S RESIDENCE	\$227,701
302460010	O'CROTTY BERENICE GOODWIN TR	8815 N VERCH WAY	8714	SFR ON > 5 AC RURAL NON SUBDIVIDED CASITA.	\$68,640

(9) CASITA RETALS NOTED ABOVE

PARCEL	TAX PAYER	ADDRESS	PARCEL USE	USE DEFINITION	TOTAL FCV
908210000	DESPOBLADO WATER CO	ATTN: BERENICE G O'CROTTY	5503	UNREPORTED FILE2 TAXAREA	\$0
22507046B	DESPOBLADO WATER CO	ATTN: BERENICE G O'CROTTY	8800	LIMITED USE-WELL/TOWER SITES PVT ROADS ETC	\$500

THIS IS WELL SITE PARCEL INFORMATION.

JAN 29 2010

**AFFIDAVIT**

AZ CORP COMM  
Director Utilities

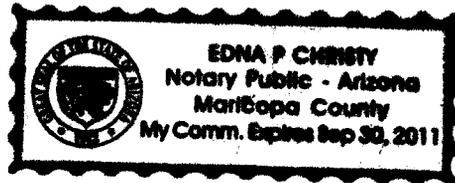
I, **Berenice G. O'Crotty**, American citizen, of legal age, widowed, a resident of **8815 N Verch Way, Tucson, Arizona**, in accordance with law, hereby depose and say:

- 1. I am the sole owner of the ten acre certified area served by the **Despoblado Water Company**.
- 2. As owner of the **Despoblado Water Company**, I have never sold water to anyone within or outside the certified area.
- 2. I have received a copy of the **Jan. 6, 2010 Public Notice of Application for Cancellation of Despobalado Water Company CC&N**

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this 26 day of January, 2010, in Tucson, Arizona.

*Berenice G. O'Crotty*  
Berenice G. O'Crotty

**SUBSCRIBED AND SWORN** before me this 26 day of January 2010, by



*Edna P. Christy*  
Notary Public

Doc. No. ....:  
Page No. ....;  
Book No. ....;  
Series of 20\_\_.

**PETER O'CROTTY**

9170 N. Rancho Feliz Drive, Tucson, Arizona 85704

Cell: 520-834-4356

October 25, 2009

Docket Control Center  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, Arizona 85007

RE: Despoblado Water Co. Docket No. W-01642A-09-0432

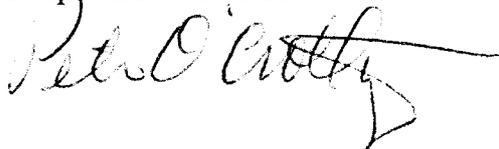
Attached is the application by Despoblado Water Company for cancellation of CC&N. the purpose of this application is to cancel the Despoblado Water Company CC&N . Owner Berenice O'Crotty has determined that it is not a viable water company and not worthwhile to maintain a CC&N.

Sincerely,

Berenice O'Crotty, Owner  
Despoblado Water Company



Peter O'Crotty, Manager  
Despoblado Water Co.



**ARIZONA CORPORATION COMMISSION**

**APPLICATION FOR APPROVAL OF THE SALE OF ASSETS AND/OR  
FOR CANCELLATION OF THE CERTIFICATE OF CONVENIENCE  
AND NECESSITY**

**WATER AND/OR SEWER**

A. The name, address and telephone number of the Applicant is:

DESARBLADO WATER CO.  
BERELICE O'CROTTY, PETER H. O'CROTTY  
8815 N. VERCH WAY, TUCSON, AZ 85704.  
(520) 834-4356 - PETER O'CROTTY CELL #

B. If doing business under a name other than the Applicant name, specify.

N/A

C. The Applicant is a:

- Corporation:  
 "C",  "S",  Non-Profit  
 Arizona  Foreign
- Partnership  
 Limited  General  
 Arizona  Foreign
- Sole Proprietorship
- Limited Liability Company (LLC)
- Other (Specify) \_\_\_\_\_

D. List the name, address and telephone number of the attorney for the applicant:

NO ATTORNEY INVOLVED

E. List the name, address and telephone number of the management contact:

Peter H. O'ROTHY (ACTING MANAGER)  
4170 N. RANCHO FELIZ DR  
TUCSON, AZ 85704  
(520)-834-4356

F. The name, address and telephone number of Purchaser is:

NO PURCHASER INVOLVED

G. List the name and telephone number of the purchaser's representative.

NO PURCHASER'S REPRESENTATIVE

H. The Purchaser is a: N/A

Municipality

Improvement District

Other \_\_\_\_\_

I. The purpose for the sale and/or cancellation is due to:

Negotiated Sale of Asset

Condemnation

Other

CANCELLATION

OF CC&R DUE TO NO SALE OF WATER.  
(SEE ORIGINATING LETTER IN FILE). TENANTS  
DO NOT PAY FOR WATER DIRECTLY. WATER  
TO RENTALS IS PROVIDED FREE.

J. Provide a copy of the following documents.

1. Sales or purchase agreement
2. Court order (if condemnation)
3. Corporate Resolution authorizing the liquidation of the assets, if required by the Articles of Incorporation

K. Have all customer security deposits been refunded? Yes \_\_\_ No \_\_\_ N/A  
If no, mark the block below that describes the proposed disposition of security deposits.

All security deposits will be refunded prior to or at time of closing. N/A

All security deposits will be transferred to the Purchaser for refund pursuant to the terms and conditions. N/A

Other (explain)

NO SECURITY DEPOSITS HAVE EVER BEEN APPLIED FOR WATER SERVICE TO RENTALS

L. Are there any refunds due on Main Extension Agreements? Yes \_\_\_ No X  
If Yes, mark the block below which describes the proposed disposition of the refunds.

Applicant will continue to refund after the transfer. (Explain method of refunding)

N/A

Purchaser will assume the refunding obligation in accordance with the terms of the main extension agreement. N/A

Applicant will make a full refund which will be made at closing. N/A

Other (explain).

NO PURCHASER INVOLVED

M. (WATER ONLY) Are there any refunds due on meter and service line installations?  
Yes \_\_\_ No X If Yes, mark the block below which describes the proposed disposition of  
refunds.

- Applicant will continue to refund after the transfer pursuant to Commission Rules. N/A
- Purchaser will assume the refunding obligations in accordance with Commission Rules. N/A
- Applicant will make a full refund at closing. N/A
- Other (explain).

NO PURCHASER INVOLVED.  
WATER WILL CONTINUE TO BE PROVIDED TO  
RENTAL UNITS AS IN THE PAST. NO  
DIRECT BILLING FOR WATER.  
DATED the 19 day of OCTOBER, 2009

Peter H. O'Connell  
(Signature of Authorized Representative of Applicant)  
Peter H. O'Connell  
(Type or Print Name Here)  
MANAGER  
(Title)

SUBSCRIBED AND SWORN to before me on this 19<sup>th</sup> day of October, 2009

Judith M. Stearns  
NOTARY PUBLIC

My Commission Expires December 15, 2009



RECEIVED

JAN 15 2010

AZ CORP COMM  
Director Utilities

**AFFIDAVIT OF PUBLICATION**

STATE OF ARIZONA )  
                          ) ss.  
COUNTY OF PIMA )

**Jamie Macias**, being first duly sworn, deposes and says that (s)he is the **Legal Advertising Manager** of **THE DAILY TERRITORIAL**, a daily newspaper printed and published in the County of Pima, State of Arizona, and of general circulation in the City of Tucson, County of Pima, State of Arizona and elsewhere, and the hereto attached:

PUBLIC NOTICE /APPLICATION OF DESPOBLADO WATER  
COMPANY CANCELLATION OF CERTIFICATE OF  
CONVENIENCE/NECESSITY  
DOCKET NO: W-01642-A-09-0432

was printed and published correctly in the regular and entire issue of said **THE DAILY TERRITORIAL** for 1 issues; that was first made on the 6th day of January 2010 and the last publication thereof was made on the 6th day of January 2010 ; that said publication was made on each of the following dates, to-wit:

01/06/10

*Proof of  
compliance with  
PAGE 2 LINES  
1-2 OF  
PROCEDURAL ORDER*

at the Request of: Peter O'Crotty

*Jamie Macias*  
by Jamie Macias, Legal Advertising Manager  
Subscribed and sworn to before me this 6th day of January 2010 .

*Peter O'Crotty  
1/11/10*

*Celinda Argue*  
Notary Public in and for the County of Pima, State of Arizona

My commission expires: 10-31-2011



CELINDA ARGUE  
Notary Public - Arizona  
Pima County  
Expires 10/31/2011

**PUBLIC NOTICE  
APPLICATION OF DESPOBLADO  
WATER COMPANY FOR  
CANCELLATION OF ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY DOCKET NO.  
W-01642A-09-0432**

On September 8, 2009, Despoblado Water Company ("Company") filed an application with the Arizona Corporation Commission ("Commission") to cancel its Certificate of Convenience and Necessity ("Certificate"). If the application is granted, the Company would no longer be the exclusive provider of water service within the Company's certificated area. The Commission may consider the application without a hearing, unless a hearing is requested by a party to the proceeding.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and in Tucson, at 400 West Congress Street, Suite 218, Tucson, Arizona, and at the offices of the Applicant, 9170 N Rancho Feliz Drive, Tucson, AZ 85704. The application is also available on the Commission's website, [www.azcc.gov](http://www.azcc.gov), using the e-Docket link.

Affected persons have the right to file written comments concerning the application, request intervention, or request a hearing. Any written comments, requests for intervention or requests for hearing should be filed with the Commission by February 12, 2010.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicant or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant 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 February 12, 2010. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. 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 customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact Applicant at Peter and Berenice O'Croty, 9170 N Rancho Feliz Drive Tucson, AZ 85704 (520) 834-4356. If you want further information on intervention or have questions on how to file comments, or request a hearing, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or (520) 628-6550. All correspondence should reference Docket No. W-01642A-09-0432.

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 docu-

tacting Shaylin Bernal, ADA Coordinator, voice phone number 602/542-3931, E-mail: [SBernal@azcc.gov](mailto:SBernal@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

**PUBLISH: The Daily Territorial  
January 6, 2010  
prdespoblado dc**

**PUBLIC NOTICE  
APPLICATION OF DESPOBLADO  
WATER COMPANY FOR  
CANCELLATION OF ITS  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY DOCKET NO.  
W-01642A-09-0432**

On September 8, 2009, Despoablado Water Company ("Company") filed an application with the Arizona Corporation Commission ("Commission") to cancel its Certificate of Convenience and Necessity ("Certificate"). If the application is granted, the Company would no longer be the exclusive provider of water service within the Company's certificated area. The Commission may consider the application without a hearing, unless a hearing is requested by a party to the proceeding.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and in Tucson, at 400 West Congress Street, Suite 218, Tucson, Arizona, and at the offices of the Applicant, 9170 N Rancho Feliz Drive, Tucson, AZ 85704. The application is also available on the Commission's website, [www.azcc.gov](http://www.azcc.gov), using the e-Docket link.

Affected persons have the right to file written comments concerning the application, request intervention, or request a hearing. Any written comments, requests for intervention or requests for hearing should be filed with the Commission by February 12, 2010.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicant or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant 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 February 12, 2010. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. 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 customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact Applicant at Peter and Berenice O'Crotty, 9170 N Rancho Feliz Drive Tucson, AZ 85704 (520) 834-4356. If you want further information on intervention or have questions on how to file comments, or request a hearing, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or (520) 628-6550. All correspondence should reference Docket No. W-01642A-09-0432.

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January 6, 2010  
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EXHIBIT 6

DOCKET NO.  
W-01642A-09-0432

Proof of  
COMPLIANCE WITH  
PAGE 3 LINES  
10-14 OF  
PROCEDURAL ORDER

Peter O'Crotty  
1/11/10

I ON 1/10/10  
RECEIVED  
COPY OF THIS  
NOTICE.  
A PUBLIC  
Berenice J. O'Crotty  
1/10/10