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2010 MAR -3 P 4: 00

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR - 3 2010

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BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF THE
9 APPLICATION OF BLACK MOUNTAIN
10 SEWER CORPORATION, AN ARIZONA
11 CORPORATION, FOR A
12 DETERMINATION OF THE FAIR
13 VALUE OF ITS UTILITY PLANT AND
14 PROPERTY AND FOR INCREASES IN
15 ITS RATES AND CHARGES FOR
16 UTILITY SERVICE BASED THEREON.

DOCKET NO: SW-02361A-08-0609

MOTION TO SUSPEND TIME CLOCK

13 Black Mountain Sewer Corporation ("BMSC") hereby files this Motion to Suspend
14 Time Clock. This motion is supported by the following brief Memorandum of Points and
15 Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

17 BMSC is owned and operated by Liberty Water, Inc. So is Litchfield Park Service
18 Corporation ("LPSCO"). LPSCO's pending rate case for both water and sewer utility
19 service was tried roughly six weeks after BMSC's rate case hearings were held, and the
20 time clocks are less than 60 days apart. Final briefs in LPSCO's rate case were filed the
21 week of February 22, 2010.¹

22 BMSC, LPSCO and Liberty Water are well aware of the State's budget crises and
23 the significant impact it has had on the Commission, including the ability of the Hearing
24 Division and Utilities Division Staff to process rate cases. For this reason, the utilities

25
26 ¹ LPSCO's pending rate case is the consolidated dockets SW-01428A-09-0103, W-01427A-09-0104,
W-01427A-09-0116, and W-01427A-09-0120.

1 have worked with Staff on numerous occasions to accommodate scheduling changes
2 requested by Staff. LPSCO also took steps to bifurcate its disputed HUF tariff in order to
3 ensure that adjudication of the HUF would not delay the setting of just and reasonable
4 rates for water and sewer utility service. Additionally, both BMSC and LPSCO have
5 reached full and partial settlements with intervenors, as well as settled numerous issues in
6 dispute with Staff and RUCO. These steps were taken in both cases in order to reduce
7 rate case expense and ensure the timely setting of new rates.

8 In both cases, rate increases are being driven by capital investment in used and
9 useful plant. In LPSCO, the amount of that capital investment is substantial; more than
10 \$50 million of rate base has been added since the last rate case was decided. As such,
11 while rate relief is necessary and proper for both BMSC and LPSCO, the need for rate
12 relief for LPSCO is paramount. Consequently, in order to assist Judge Nodes and the
13 Commission in meeting the time clock applicable to LPSCO's pending rate case, BMSC
14 agrees to extend the time clock applicable to this docket by an additional 60 days.

15 RESPECTFULLY SUBMITTED this 3rd day of March, 2010.

16 FENNEMORE CRAIG, P.C.

17
18 By _____

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22 ORIGINAL and thirteen (13) copies
23 of the foregoing were filed
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Copy of the foregoing was hand delivered
this 3rd day of March, 2010, with:

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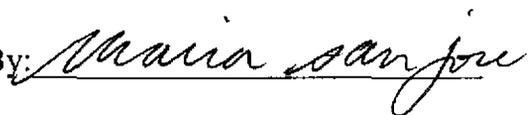
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