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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

April 9, 2010

Arizona Corporation Commission
DOCKETED

APR 14 2010

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

DOCKETED BY [Signature]

Re: Tierra Linda Homeowner 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

RESPONSE TO MARCH 31, 2010 INSUFFICIENCY LETTER #3

To Whom It May Concern:

This letter is in response to the above-referenced March 31, 2010 Insufficiency Letter #3 from the Commission's Staff.

With reference to Item No. 1 in the aforesaid Insufficiency Letter #3, the Tierra Linda Homeowners Association ("HOA") WIFA Application therein referenced was not approved by WIFA. In that regard, it is the understanding of Gary Smyth that the Application was for a "Technical Assistance Grant" from WIFA, which would have provided the current owner of the Tierra Linda HOA water system with free design work in connection with a possible future new well on that water system. The aforesaid Application to WIFA was not for a loan; and, in the event that a second well should prove to be necessary for the Tierra Linda HOA water system at some time in the future, Mr. Smyth intends to finance the construction of such well with private funds.

With reference to Item No. 2 in the aforesaid Insufficiency Letter #3, attached is a copy of a Motion to Withdraw Application which was filed with the Commission's Docket Control on April 2, 2010 upon behalf of Goodman Water Company. As may be noted therefrom, Goodman Water Company is requesting that the Commission allow the company to withdraw its previous Application for Convenience and Necessity to serve the "Eagle Crest West" area which is the subject of the proceeding in Docket No. W-02500A-05-0443. Accordingly, and assuming

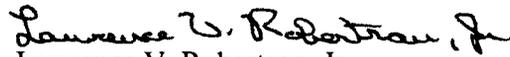
Docket Control
April 9, 2010
Page 2 of 2

favorable Commission consideration of and action upon the aforesaid Motion to Withdraw Application, the two (2) Compliance Delinquencies referred to in Item No. 2 of Insufficiency Letter #3 will be mooted.

In connection with this matter, it should be noted for the record that Mr. Smyth does not have any ownership interest in Goodman Water Company. Rather, he simply provides certain management services to that company; and, in that regard, he began providing such management services in the Fall of 2009, a number of months after the February 2, 2009 and February 2, 2007 due dates for the two (2) Compliance Delinquencies in question.

Mr. Smyth and I believe that the foregoing information and the attached document are fully responsive to the requirements of the Commission Staff's March 31, 2010 Insufficiency Letter #3; and, it is hoped that the above-referenced Joint Application may now be (i) the subject of a Sufficiency Letter, and (ii) promptly processed thereafter for consideration by the Commission on the merits.

Sincerely,


Lawrence V. Robertson, Jr.

cc: Blessing N. Chukwu
Del Smith
Lyn Farmer
Brian Bozzo

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BEFORE THE ARIZONA CORPORATION COMMISSION

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KRISTIN K. MAYES
Chairman

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AZ CORP COMMISSION
DOCKET CONTROL

GARY PIERCE
Commissioner

PAUL NEWMAN
Commissioner

Arizona Corporation Commission
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SANDRA D. KENNEDY
Commissioner

APR -2 2010

BOB STUMP
Commissioner

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**IN THE MATTER OF THE APPLICATION OF
GOODMAN WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY**

} Docket No. W-02500A-05-0443
} Motion To Withdraw Application

On February 2, 2006, in Decision No. 68444 (the "Decision"), the Arizona Corporation Commission (the "Commission") approved an extension of the Certificate of Convenience and Necessity ("CC&N") held by the Goodman Water Company (the "Company"). The owner of the land within the territory affected by the Decision wished to develop that property, and having a committed water utility was (and always is) a precondition for its successful development. Further descriptions of the efforts undertaken by the landowner can be found in the Procedural Order entered by the Administrative Law Judge in this matter on the 13th day of April, 2007. After several years of efforts to identify a wastewater utility and to rezone the property, the landowner ultimately faced a collapsed real estate market, as a consequence of which all previous efforts became unavailing, and all present efforts, deferred.

As a result, the landowner was unable to obtain a Certificate of Assured Water Supply, and the Company cannot provide the Commission, at least during the timeframes

1 previously established, a copy of the Certificate or with a main extension agreement, both
2 being the predicates for extending its CC&N as described in Decision No. 68444.

3 While the landowner and the Company both are confident that in the fullness of time
4 the conditions for the development of the property will come again, the Company is
5 mindful that the Commission's previous approval of an extension is unlikely to be repeated.
6 Consequently, Goodman Water Company respectfully moves that the application it filed in
7 this matter, to extend its Certificate of Convenience & Necessity, be withdrawn, without
8 prejudice, so that the same may be refiled at such time as the landowner may be able to
9 accomplish the rezonings and assured water supply certifications that are a prerequisite to
10 the development of the property in question.

11 RESPECTFULLY SUBMITTED this 2nd day of April, 2010.

12 LEWIS AND ROCA

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14 

15 _____
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17 Lewis and Roca, LLP
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20 (520-629-4453)
21 MMcNulty@LRLaw.com
22 Attorneys for Goodman Water Company

19 ORIGINAL and thirteen (13) copies
20 of the foregoing filed this 2nd day of
21 April, 2010, with:

21 Arizona Corporation Commission
22 Utilities Division
23 Docket Control
24 1200 W. Washington Street
25 Phoenix, Arizona 85007
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Copy of the foregoing hand-delivered
this 2nd day of April, 2010, to:

Steve Olea
Utilities Division
Arizona Corporation Commission
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