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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2010 MAY -3 P 4: 33

Arizona Corporation Commission
DOCKETED

MAY - 3 2010

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

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY
MS

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES L.L.C. D/B/A/
JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY
FOR WATER AND WASTEWATER
SERVICE.

DOCKET NO.: WS-02987A-05-0088

**REQUEST TO MODIFY DECISION
NO. 68235 TO AUTHORIZE RELEASE
OF PERFORMANCE BOND AND TO
TERMINATE QUARTERLY
REPORTING**

On October 25, 2005, the Arizona Corporation Commission (the “Commission”) issued Decision No. 68235 approving the application of Johnson Utilities LLC (“Johnson Utilities” or the “Company”) to extend its Certificate of Convenience and Necessity (“CC&N”) to provide water and wastewater service. Pursuant to Decision No. 68235, Johnson Utilities was ordered to file quarterly reports (the “Quarterly Reports”) on the status of: (i) litigation in Maricopa County Superior Court Case No. CV2005-002692 (the “La Osa Litigation”); and (ii) litigation in Maricopa County Superior Court Case No. CV2005-002548 (the “Sonoran Utility Services Litigation”).¹ In addition, Decision No. 68235 required the Company to procure a \$500,000 performance bond (subject to increase to \$1,000,000) to remain in place until further order of the Commission (the “Performance Bond”), and to file evidence of the maintenance of that bond by a quarterly letter of bond maintenance.

¹ Decision No. 68235 notes that Johnson Utilities was not a party in either the Las Osa Litigation or the Sonoran Utility Services Litigation. Decision No. 68235 ¶¶ 18, 19.

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AD

1 Pursuant to a memorandum dated April 16, 2010 and filed in this Docket, Utilities
2 Division Staff ("Staff") confirmed that the Las Osa Litigation and the Sonoran Utility
3 Services Litigation have been dismissed with prejudice. As a result, Staff recommended
4 that because those cases have been dismissed: (i) the Commission should remove any
5 further requirement that Johnson Utilities file the Quarterly Reports; and (ii) the
6 Commission should release the Performance Bond and remove the associated
7 requirement that Johnson Utilities make a quarterly bond confirmation letter filing.
8 Johnson Utilities urges the Commission to adopt Staff's recommendation, and hereby
9 requests that the Commission issue its order in this docket modifying Decision No. 68235
10 to expressly eliminate the Quarterly Report and Performance Bond requirements, as well
11 as the associated quarterly confirmation letter filing requirement.

12 RESPECTFULLY SUBMITTED this 3rd day of May, 2010.

13 SNELL & WILMER L.L.P.

14 By



15 Jeffrey W. Crockett, Esq.
16 Kristoffer P. Kiefer, Esq.
17 One Arizona Center
18 400 E. Van Buren
19 Phoenix, AZ 85004-2202

20 ORIGINAL and 13 copies of the foregoing hand-
21 delivered this 3rd day of May, 2010, to:

22 Docket Control
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007-2996
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COPIES of the foregoing hand-delivered this
3rd day of May, 2010, to:

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