



0000110744

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



ARIZONA CORPORATION COMMISSION

RECEIVED

2010 MAY -7 A 9:50

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

ORIGINAL

DATE: MAY 7, 2010  
DOCKET NO.: WS-01678A-07-0459  
TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Belinda Martin. The recommendation has been filed in the form of an Order on:

BACA FLOAT WATER COMPANY, INC.  
(EXTENSION OF TIME DEADLINE CONTAINED  
IN DECISION NO. 70290)

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:

MAY 17, 2010

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:

MAY 26, 2010 and MAY 27, 2010

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.

Arizona Corporation Commission  
**DOCKETED**

MAY - 7 2010

DOCKETED BY *MM*

*Ernest G. Johnson*  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

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

8 IN THE MATTER OF THE APPLICATION OF  
9 BACA FLOAT WATER COMPANY, INC.,  
10 FOR AN EXTENSION OF ITS CERTIFICATE  
11 OF CONVENIENCE AND NECESSITY IN  
12 SANTA CRUZ COUNTY, ARIZONA.

DOCKET NO. WS-01678A-07-0459

DECISION NO. \_\_\_\_\_

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NO. 70290**

10 Open Meeting  
11 May 26 and 27, 2010  
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. On April 24, 2008, the Commission issued Decision No. 70290, granting Baca Float  
18 Water Company, Inc. ("BFWC" or "Company"), an extension of its water and wastewater Certificate  
19 of Convenience and Necessity ("CC&N").

20 2. Pursuant to the Decision, BFWC was required to file with Docket Control as a  
21 compliance item, copies of the General Permits for the wetland treatment facility and the collection  
22 system for the development in the requested area ("General Permits") within two years of the  
23 effective date of the Decision. Based on this, the filing deadline for these items was April 24, 2010.

24 3. Prior to the deadline, on April 12, 2010, BFWC filed a Motion for Extension of Time  
25 to File Compliance Item ("Motion"), requesting an extension of time to file the General Permits until  
26 April 24, 2012.

27 4. On April 23, 2010, the Commission's Utilities Division Staff ("Staff") filed a  
28 Memorandum recommending approval of the Company's Motion.

5. In its Motion, the Company notes that there has been an economic downturn in the

1 real estate market in Arizona and this decrease has impacted the anticipated development timeline for  
2 the 40 acres included in the CC&N expansion area.

3 6. Attached to the Motion is a letter from the developer affirming its plans to develop the  
4 parcel within two years.

5 7. For these reasons, BFWC requests an extension of time to file the General Permits  
6 from April 24, 2010 to April 24, 2012.

7 8. On April 22 2010, Staff contacted Mr. Jeffrey Crockett, counsel for the Company,  
8 regarding BFWC’s Motion. According to Staff, Mr. Crockett confirmed “that the request for the  
9 extension of time was a function of the state of the marketplace.”<sup>1</sup>

10 9. Given the foregoing, Staff does not object to the Company’s Motion and recommends  
11 that the April 24, 2010, deadline for filing General Permits should be extended until April 24, 2012.

12 **CONCLUSIONS OF LAW**

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

15 2. The Commission has jurisdiction over BFWC and the subject matter of the request for  
16 extension for time to comply with Commission Decision No. 70290.

17 3. BFWC’s request for an extension of time to comply with Decision No. 70290 until  
18 April 24, 2012, is reasonable and should be granted.

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27

28 <sup>1</sup> Staff Memorandum dated April 23, 2010.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

IT IS THEREFORE ORDERED that Baca Float Water Company, Inc.'s Motion for Extension of Time to File Compliance Item is granted, extending the compliance deadline for filing the General Permits for the wetland treatment facility and the collection system until April 24, 2012.

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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: BACA FLOAT WATER COMPANY, INC.

2 DOCKET NO.: WS-01678A-07-0459

3

4 Jeffrey W. Crocket, Esq.  
SNELL & WILMER  
5 400 East Van Buren  
One Arizona Center  
6 Phoenix, AZ 85004-2202

7 Janice Alward, Chief Counsel  
Legal Division  
8 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
9 Phoenix, AZ 85007

10 Steven M. Olea, Director  
Utilities Division  
11 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
12 Phoenix, AZ 85007

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28