



0000112462

21AD
CD

BEFORE THE ARIZONA CORPORATION C

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

JUN - 3 2010

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

DOCKETED BY
NR

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

DOCKET NO. WS-01678A-07-0459

DECISION NO. 71709

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

Open Meeting
May 26 and 27, 2010
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On April 24, 2008, the Commission issued Decision No. 70290, granting Baca Float Water Company, Inc. ("BFWC" or "Company"), an extension of its water and wastewater Certificate of Convenience and Necessity ("CC&N").

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

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

4. On April 23, 2010, the Commission's Utilities Division Staff ("Staff") filed a 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."¹

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

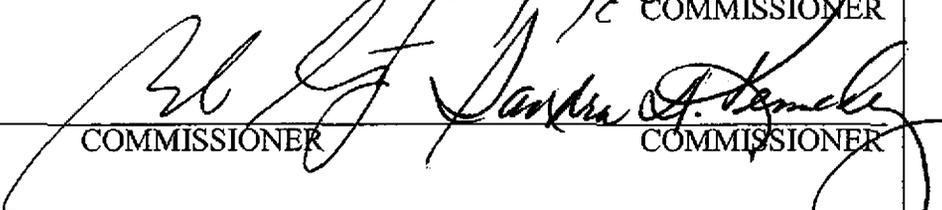
28 ¹ Staff Memorandum dated April 23, 2010.

ORDER

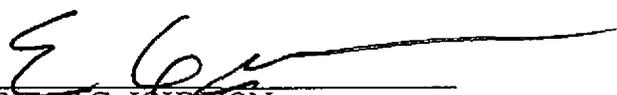
IT IS THEREFORE ORDERED that Baca Float Water Company, Inc.'s Motion for Extension of Time to File Compliance Item is granted, extending the compliance deadline for filing the General Permits for the wetland treatment facility and the collection system until April 24, 2012.

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 3rd day of June, 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