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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2010 OCT 19 P 4: 31

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 19 2010

DOCKETED BY

IN THE MATTER OF THE FORMAL
COMPLAINT OF CHARLES J. DAINS AGAINST
RIGBY WATER COMPANY

DOCKET NO. W-01808A-09-0137

MOTION TO ADMIT LATE-FILED EXHIBITS

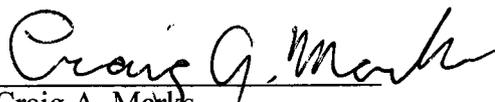
1 The Estate of Charles J. Dains hereby asks that the attached documents be admitted as
2 late-filed exhibits. The document marked as Dains 12 is a copy of the August 28, 1985,
3 Certificate of Approval to Construct (Water Facility Improvements) issued by the Maricopa
4 County Health Department for Terra Mobile Ranchette Estates, Lots 1-83. The document
5 marked as Dains 13 is a copy of a May 2, 1996, memo from the Maricopa County
6 Environmental Services Department, which states that the previously-issued Certificate of
7 Approval to Construct has been reinstated.

8 An important issue in this case was whether a Certificate of Approval to Construct had
9 been issued for the new water facilities to be built for the Terra Mobile Ranchette Estates. These
10 documents—obtained from the official records of the Maricopa County Environmental Services
11 Department—demonstrate that the Certificate was issued. Therefore, these exhibits are relevant
12 and should be admitted.

13 These documents are not hearsay. Evidence Rule 803(8) provides that public records and
14 reports are not hearsay.

15 Relief Requested. The Estate of Charles J. Dains hereby asks that the attached
16 documents be admitted as Exhibits Dains 12 and Dains 13.
17

1 RESPECTFULLY SUBMITTED on October 19, 2010.
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3

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5

6 Craig A. Marks
7 Craig A. Marks, PLC
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11 Craig.Marks@azbar.org
12 Attorney for Charles J. Dains

13 Original and 13 copies **filed**
14 on October 19, 2010, with:

15
16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007
20

21 Copy **e-mailed**
22 on October 19, 2010, to:

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24
25
26
27 By:


28 Craig A. Marks



MARICOPA COUNTY HEALTH DEPARTMENT

1845 East Roosevelt • 258-6381

Phoenix

CERTIFICATE OF APPROVAL TO CONSTRUCT

Water distribution system to serve:

TERRA RANCHETTE ESTATES

PROJECT DESCRIPTION _____

LOTS: 1 thru 83

LOCATION Avondale Maricopa
CITY OR TOWN (NEAREST) COUNTY

PROJECT OWNER Terra Ranchette Estates Partnership
Route 8 Box 371 Phoenix, Az. 85031
MAILING ADDRESS

Approval to construct the above-described facilities as represented in the approved plan documents on file with the *Maricopa County Health Department* is hereby given subject to the following provisions:

The State law, A.R.S. 36-132, B 12, A.R.S. 36-105 E, A.R.S. 36-184, and A.R.S. 11-251, paragraphs 17 and 30 requires that the construction of the project must be in accordance with the rules and regulations of the State Board of Health and *The Maricopa County Health Department*.

If construction has not started within one year of the date of this issue, this certificate will be void and a written extension of time shall be required.

ENVIRONMENTAL SERVICES

Date Approved: 8/28/85
eg

cc: Terra Ranchette Estates
Esmer & Associates
City of Avondale

65 SAN:1059 10-72

By

Albert F. Brown, M.P.A., R.S.
Director
Environmental Services Dept.



Maricopa County
Engineering Services
2406 S. 24th St., #E-204
Phoenix, AZ 85034
(602) 506-6666
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Environmental Services Department

05/02/96

**MEMO TO: Roy Tanney, Director of Subdivision Division
Arizona State Real Estate Department**

MEMO FROM: Joseph E. Jason, P. E., Environmental Engineer
Engineering Services Division
Environmental Services Department

**SUBJECT: Terra Mobile Ranchettes Estates Lots 1 through 83, a
subdivision of the north half (1/2) of the Southeast Quarter (1/4)
of Section 30, T1N, R1E., G & S.R.B. & M., Maricopa County**

Please be advised that this office has reinstated its Certificate of Approval to Construct (Water System Improvements) for the captioned subdivision. Our Certificate of Approval of Sanitary Facilities for Subdivisions issued August 23, 1985 is still valid with the following providers furnishing updated service agreements:

Water Supply by: Rigby Water Company
Sewage Disposal by: Individual Sewage Disposal Systems
Refuse Service by: City of Avondale
Refuse Disposal by: Maricopa County Solid Waste Management

Please call if further clarification should be required (506-6675, 6672).