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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

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

NOV -1 2010

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF
TIMBER KNOLL HOMEOWNER'S
ASSOCIATION, INC. DBA T.K. WATER
SERVICE FOR APPROVAL OF A RATE
INCREASE.

DOCKET NO. W-01902A-09-0293

IN THE MATTER OF THE APPLICATION OF
TIMBER KNOLL HOMEOWNER'S
ASSOCIATION, INC. DBA T.K. WATER
SERVICE FOR APPROVAL OF A
CURTAILMENT TARIFF.

DOCKET NO. W-01902A-10-0082

DECISION NO. 71946

**ORDER NUNC PRO TUNC AND
EXTENSION OF FILING DEADLINE
CONTAINED IN DECISION NO.
71838**

Open Meeting
October 19 and 20, 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 June 4, 2009, Timber Knoll Homeowner's Association, Inc. dba T.K. Water Service ("Company" or "Applicant") filed with Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges.

2. On March 4, 2010, while the rate case was pending, the Company filed an application requesting approval of a proposed form of Curtailment Tariff in Docket No. W-01902A-10-0082.¹

3. On March 8, 2010, a Recommended Order was issued in the Company's rate case proceeding in Docket No. W-01902A-10-0293.

¹ The Company filed its application requesting approval of its Curtailment Tariff in response to the Staff Report filed on February 17, 2010, in the rate case, in which Staff had recommended that the Company file, within 45 days of an effective date of a Decision in that case, a Curtailment Tariff for Staff's approval.

1 4. On April 2, 2010, Staff filed a Motion to Consolidate the two proceedings then
2 pending before the Commission.

3 5. On April 7, 2010, by Procedural Order, the rate case proceeding and the curtailment
4 tariff proceeding were consolidated. However, inadvertently, the caption on the Recommended
5 Order was not modified to reflect the consolidation of the two dockets.

6 6. On August 10, 2010, the Commission issued Decision No. 71838 in Docket No. W-
7 01902A-09-0293 which approved the application of Company for an increase of its permanent rates
8 and charges.

9 7. Pursuant to Decision No. 71838, the Company was ordered to file, on or before
10 September 1, 2010, a revised rate schedule which set forth its newly authorized rates and charges that
11 had been approved by the Commission.

12 8. On September 10, 2010, the Utilities Division ("Staff") contacted the Company's
13 secretary with respect to the Company's failure to file its new revised rate schedule with the
14 Commission, and at that time a request was made for a 45 day extension in order to comply with this
15 requirement of the Decision.

16 9. On September 10, 2010, Staff filed the Company's request for an extension of time to
17 file its revised rate schedules.

18 10. On September 13, 2010, Staff filed a memorandum which indicates that Staff has no
19 objections to the Company's request and recommends approval of a 45 day extension, until October
20 25, 2010, for the Applicant to file its revised rate schedule.

21 11. The Company's request for an extension of time to file its revised rate schedule is
22 reasonable and should be granted. Also, the caption on Decision No. 71838 should be corrected *nunc*
23 *pro tunc* to include both dockets.

24 **CONCLUSIONS OF LAW**

25 1. Applicant is a public service corporation within the meaning of Article XV of the
26 Arizona Constitution and A.R.S. §§40-250 and 40-251.

27 2. The Commission has jurisdiction over Applicant and the subject matter of the
28 application and the request for an extension of time to comply with Commission Decision No. 71838

1 and for the correction of the caption *Nunc Pro Tunc*.

2 **ORDER**

3 IT IS THEREFORE ORDERED that Decision No. 71838 is hereby amended, *Nunc Pro Tunc*
4 to reflect the consolidated docket which includes the above captions and includes Docket Nos. W-
5 01902A-09-0293 with respect to the rate case proceeding and Docket No. W-01902A-10-0082 with
6 respect to the Company's request for approval of its Curtailment Tariff.

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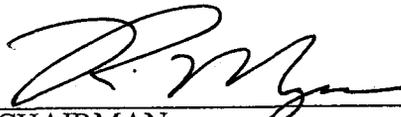
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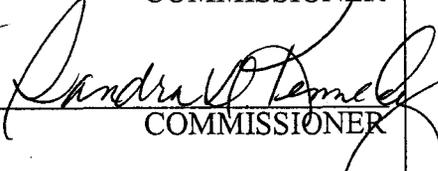
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1 IT IS FURTHER ORDERED that Timber Knoll Homeowner's Association, Inc. dba T.K.
2 Water Service shall be granted an extension of time, until October 25, 2010, to file its revised tariff
3 which reflects the rates and charges authorized by the Commission in Decision No. 71838.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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7  
8 CHAIRMAN COMMISSIONER

9 **EXCUSED**
10 COMM. NEWMAN
11 COMMISSIONER  
12 COMMISSIONER COMMISSIONER

13 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
14 Executive Director of the Arizona Corporation Commission,
15 have hereunto set my hand and caused the official seal of the
16 Commission to be affixed at the Capitol, in the City of Phoenix,
17 this 1st day of November 2010.

18 
19 ERNEST G. JOHNSON
20 EXECUTIVE DIRECTOR

21 DISSENT _____

22 DISSENT _____

1 SERVICE LIST FOR:

TIMBER KNOLL HOMEOWNER'S ASSOCIATION,
INC. dba T.K. WATER SERVICE

2
3 DOCKET NOS.:

W-01902A-09-0293 and W-01902A-10-0082

4 Max Nelson
5 TIMBER KNOLL HOMEOWNER'S
6 ASSOCIATION, INC.
7 P.O. Box 200
8 Vernon, AZ 85940

9 Janice Alward, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, AZ 85007

14 Steven M. Olea, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, AZ 85007
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