



1 Commission lacks jurisdiction.<sup>2</sup> While the Commission does not have jurisdiction over a  
2 municipality, it would still retain jurisdiction over a public service corporation and could impose the  
3 requirements of A.A.C. R14-406(F) on a utility to ensure that the rights of a party to a main extension  
4 agreement (“MXA”) are protected.

5 **B. Time Period for Approval of an MXA.**

6 The Respondent asserts that a utility should be able to submit a MXA at any time for Staff  
7 review and approval because there is no time frame stated in A.A.C. R-14-406.<sup>3</sup> The Rule gives  
8 some flexibility by recognizing that it may take time to gather the necessary information to prepare a  
9 MXA for submission to Staff. The rule should not be read in a way that allows a utility to be dilatory  
10 in timely submitting a MXA. Staff would caution reading the Rule in a way that leaves the  
11 requirement for submission open ended. There may not be a time limitation for submission, but  
12 under the equitable principle of laches, a utility should not delay in the submission of a MXA. An  
13 unreasonable delay could result in prejudice and harm to the parties involved.

14 RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of January, 2011.

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23 of the foregoing were filed this  
14<sup>th</sup> day of January, 2011 with:

24 Docket Control  
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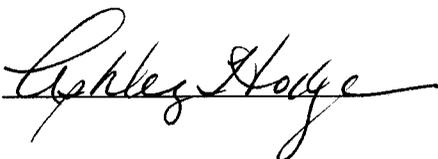
<sup>2</sup> Respondent’s Opening Br. at 16.

<sup>3</sup> Respondent’s Opening Br. at 10.

1 Copies of the foregoing were mailed  
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