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RECEIVED

2011 FEB -1 P 3: 18

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

8
9
10 GARY PIERCE, CHAIRMAN
11 PAUL NEWMAN
12 SANDRA D. KENNEDY
13 BOB STUMP
14 BRENDA BURNS

Arizona Corporation Commission

DOCKETED

FEB 1 2011

DOCKETED BY *[Signature]*

15 **IN THE MATTER OF THE**
16 **COMMISSION ON ITS OWN MOTION**
17 **INVESTIGATION THE FAILURE OF**
18 **TRUXTON CANYON WATER**
19 **COMPANY TO COMPLY WITH**
20 **COMMISSION RULES AND**
21 **REGULATIONS.**

DOCKET NO. W-02168A-10-0247

**NOTICE OF FILING OF
AFFIDAVIT OF MAILING**

21 Pursuant to Procedural Order dated January 20, 2011, Truxton Canyon Water
22 Company ("Company") hereby files the Notice of Mailing affirming that the Company
23 has sent to all its customers Public Notice in the Matter of the Commission on its Own
24 Motion Investigating the Failure of Truxton Canyon Water Company to Comply with
25 Commission Rules and Regulations. *See Attachment 1.*
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27
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ATTACHMENT 1

AFFIDAVIT OF MAILING

Debbie Martinez
Truxton Canyon Water Company
7313 E. Concho Drive
Suite B
Kingman, AZ 86401

STATE OF ARIZONA)
)
COUNTY OF MOHAVE) ss. AFFIDAVIT OF MAILING

I, Debbie Martinez, being first duly sworn, depose and state that I mailed, by regular first class mail, on January 28, 2011, a PUBLIC NOTICE IN THE MATTER OF THE COMMISSION ON IT OWN MOTION INVESTIGATING THE FAILURE OF TRUXTON CANYON WATER COMPANY TO COMPLY WITH COMMISSION RULES AND REGULATIONS addressed to each individual customer of PWS #08-035 for TRUXTON CANYON WATER COMPANY dated this 31st day of January, 2011.

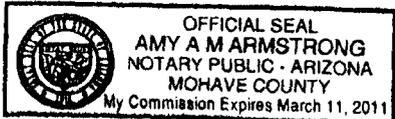
Debbie Martinez
(Signature)

Debbie Martinez
(Print Name)

SUBSCRIBED AND SWORN TO before me this 31st day of January, 2011.

[Signature]
Notary Public

03/11/2011
My Commission Expires:



**PUBLIC NOTICE IN THE MATTER OF THE COMMISSION
ON ITS OWN MOTION INVESTIGATING THE FAILURE OF
TRUXTON CANYON WATER COMPANY TO COMPLY WITH
COMMISSION RULES AND REGULATIONS.
(DOCKET NO. W-02168A-10-0247)**

On August 10, 2010, in response to a Complaint filed by the Commission's Utilities Division ("Staff"), the Arizona Corporation Commission ("Commission") issued Decision No. 71837, ordering Truxton Canyon Water Company ("Truxton") to appear and show cause ("OSC") why its actions as alleged in the Staff Complaint does not constitute a violation of Arizona law, Commission rules and regulations, Arizona Revised Statutes ("A.R.S"), and the Arizona Constitution. Staff's Complaint alleges Truxton's water system is not safe, proper, or adequate, in violation of A.R.S § 40-321(A); that Truxton is not providing potable water, in violation of Arizona Administrative Code ("A.A.C.") R14-2-407(A); that Truxton does not maintain a minimum delivery pressure of 20 psi, in violation of A.A.C. R14-2-407(E); that Truxton is not supplying its customers with satisfactory and continuous service, in violation of A.A.C. R14-2-407(C); that Truxton obtained long term debt without Commission approval, in violation of A.R.S. § 40-301(B) and § 40-302(A); that Truxton does not maintain its books and records in accordance with the prescribed methods, in violation of A.R.S. §§ 40.221, 40-221(C) and A.A.C. R14-2-411(D)(2); that Truxton does not maintain accurate accounts and records, in violation of A.A.C. R14-2-411(A)(1) and (A)(2); and that Truxton has not created written agreements evidencing main extension agreements with customers, in violation of A.A.C. R14-2-406(G). Staff's Complaint further alleges that Truxton has not had its main extension agreements approved by the Commission, and has not refunded advances to customers, in violation of A.A.C. R14-2-406(M); has not billed under its tariff on certain occasions, in violation of A.A.C. R14-2-409(D)(1); is not in compliance with Commission orders, decisions, rules or regulations, in violation of A.R.S. § 40-202(L); does not consistently provide accurate information to the Commission, in violation of A.R.S. § 40-204(A); and does not provide information or documentation to Staff when requested, in violation of A.R.S. § 40-204(B). Finally, Staff asserts a Commission order is necessary for the safety and preservation of the health of Truxton's customers, as is authorized under Article XV § 3 of the Arizona Constitution.

The Commission is not bound by the proposals made by Truxton, Staff, or any other intervenors. The Commission will issue a Decision in the matter following consideration of testimony and evidence presented at an evidentiary hearing.

Copies of Staff's Complaint, the Commission's OSC, and any responses filed by Truxton or any intervenor are available at Truxton's offices at 7313 East Concho Drive, Suite B, Kingman, Arizona and at the Commission's offices at 1200 West Washington Street, Phoenix, Arizona, for public inspection during regular business hours, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on the OSC on **February 28, 2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona. Public comments will be taken at the beginning of the hearing. Written public comments may be submitted via e-mail (visit <http://www.azcc.gov/divisions/utilities/consumerservices.asp>), or by

mailing a letter referencing Docket No. W-02168A-10-0247 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, Arizona 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 and 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you wish to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **February 11, 2011**, and send a copy of the motion to Truxton or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of Truxton, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to Truxton or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 11, 2011**. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the OSC or from filing written comments in the record of the case.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in and alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail sabernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.