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MEMORANDUM

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Arizona Corporation Commission

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TO: Docket Control Center

FROM: Steven M. Olea  
Director  
Utilities Division

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AZ CORP COMMISSION  
DOCKET CONTROL

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DATE: February 10, 2011

RE: THE LINKS AT COYOTE WASH UTILITIES, LLC - REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE (DOCKET NO. SW-04210A-06-0220)

In Decision No. 69209, dated December 21, 2006, the Arizona Corporation Commission (“Commission”) approved the application of The Links at Coyote Wash Utilities, LLC (“The Links” or “Company”) for extension of its Certificate of Convenience and Necessity (“CC&N”) to provide sewer service in Yuma County, Arizona. Decision No. 69209 required the Company to provide the following compliance filings in the above docket:

“...copies of the Approval of Construction documentation for the collection line installation needed to serve the extension area.”

“...a copy of ADEQ’s APP modification.”

Based on the Commission ordered timeframes, the original due date for compliance was December 21, 2008, for the AOC and the APP modification.

On March 31, 2009, The Links docketed a “motion for extension of time” seeking an extension of time until August 31, 2010 for the provision of the approval of construction (“AOC”) and a copy of the Aquifer Protection Permit (“APP”) modification. Staff filed its response on May 19, 2009, recommending approval of the Company’s requested extension of time. On June 30, 2009, the Commission issued Decision No. 71189 which approved the Company’s request for an extension of time until August 31, 2010 for the filing of the AOC and APP modification.

On September 8, 2010, The Links docketed a subsequent “request for additional time” to provide the required AOC and APP modification. In the application, the Company stated that it has been diligent in its efforts to gather the necessary certificates but that the delay in development has been caused solely by the “extraordinary economic conditions persisting today”. Similarly, the Company stated that the APP amendment has not been finalized and the administrative approval process has been slow, partially due to the economy and the effect of state budget cuts. In order to process the requested extension of time, Staff required the Company to submit an updated request for service from the developer. On January 26, 2011, the Company finally submitted an updated request for service from the developer reiterating its need for service and identifying Arizona as “one of the states hardest hit in residential development”. The Company thereby finalized its application for extension of time for the provision of the AOC and the APP filings.

After review, Staff does not object to the Company's current request for extension of time until August 31, 2012, for the provision of AOC and APP filing. Staff recommends that no further extensions of time be granted in this matter. Additionally, the initial request for time extension and the current extension of time application were filed after the Commission's due date. Staff further recommends that the Commission deny any future extension requests that are filed after the existing Commission due date.

SMO:BKB:lm

Originator: Brian K. Bozzo

SERVICE LIST FOR:  
DOCKET NO.

THE LINKS AT COYOTE WASH, L.L.C.  
SW-04210A-06-0220

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