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Arizona Corporation Commission

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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY, AN
ARIZONA CORPORATION, FOR A
DETERMINATION OF THE FAIR VALUE
OF ITS UTILITY PLANT AND PROPERTY,
AND FOR ADJUSTMENTS TO ITS RATES
AND CHARGES FOR UTILITY SERVICE
FURNISHED BY ITS WESTERN GROUP
AND FOR CERTAIN RELATED
APPROVALS.

DOCKET NO. W-01445A-10-0517

**ARIZONA WATER COMPANY'S
RESPONSE TO STAFF'S MOTION
FOR EXTENSION OF TIME**

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Arizona Water Company hereby responds to the Motion for Extension of Time filed on February 9, 2011 by the Utilities Division of the Arizona Corporation Commission ("Staff"). Arizona Water Company would not and does not object to an appropriate extension for Staff to respond to the Company's Motion for Procedural Order dated January 20, 2011. Even so, given the circumstances of this matter to date, Arizona Water Company requests that an extension be limited to no later than Friday, February 18, 2011.

In her February 7, 2011 Procedural Order, Administrative Law Judge Sarah Harpring established reasonable benchmark dates for addressing the sufficiency issues posed in Arizona Water Company's January 20 Motion for Procedural Order. Recognizing that Staff had reviewed the company's rate application before serving its January 7, 2011 Letter of Deficiency, and further that the Staff had received Arizona Water Company's position regarding sufficiency in the Company's Response to Staff's Letter of Deficiency on January

1 14, then again in the company's motion on January 20, the procedural order gave Staff an
2 additional full week, until February 14, to file its Response. If timely filed on February 14,
3 Staff still would have had 26 full days to research and prepare the response measured from
4 the date the motion was filed (January 20), and 32 days from Arizona Water Company
5 stated its position in its January 14 letter. Staff has already had substantial time to research
6 and address the asserted "very technical arguments" and to view Commission decisions that
7 are not available through E-Docket. In fact, Arizona Water Company's position is simple
8 and straightforward, and may be resolved largely by reference to Commission rules and a
9 review of the Company's application. Contrary to Staff's erroneous assertion, that
10 application does not employ "what amounts to a future test year." (Staff motion at page 1,
11 lines 25-28) Nor is the issue presented in Arizona Water Company's motion one that may
12 impact "every future rate application that is filed with the Commission," as Staff also asserts
13 on page 1 of its motion.

14 The February 7 Procedural Order ordered both the company and Staff to file briefs by
15 March 7, 2011 addressing particular issues. Every day of an extension after February 14
16 would unjustifiably impose on the time Arizona Water Company would need to review
17 Staff's responses to "a number of very technical arguments" and its extensive "review (of)
18 prior Commission Decisions."

19 The lead Staff attorney's need for more time because of the two days of annual leave
20 is understandable.¹ To make up for that and allow Staff reasonable time, Arizona Water
21 Company is willing to agree that Staff may have until Friday, February 18, to file its
22 response, which gives essentially a month to respond to the company's January 20 motion.

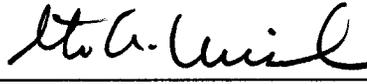
23 For all of the foregoing reasons, Arizona Water Company agrees that a brief
24 extension of time for Staff to respond to the company's Motion for Procedural Order
25

26
27 ¹ Arizona Water Company and Staff routinely accommodate each other's scheduling
28 needs by conferring informally before approaching the Administrative Law Judge. Staff did
not do so in this instance.

1 Regarding Sufficiency, but urges that any extension be limited to no later than Friday,
2 February 18, 2011.

3 RESPECTFULLY SUBMITTED this 10th day of February, 2011.

4 BRYAN CAVE LLP

5
6 By 

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11 Attorneys for Arizona Water Company

12 ORIGINAL and 13 copies of the foregoing
13 filed this 10th day of February, 2011, with:

14 Docket Control Division
15 Arizona Corporation Commission
16 1200 W. Washington Street
17 Phoenix, AZ 85007

18 COPIES of the foregoing hand-delivered
19 this 10th day of February, 2011, to:

20 Lyn A. Farmer, Esq.
21 Chief Administrative Law Judge
22 Hearing Division
23 Arizona Corporation Commission
24 1200 W. Washington Street
25 Phoenix, AZ 85007

26 Mr. Steven M. Olea
27 Director, Utilities Division
28 Arizona Corporation Commission
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