



0000123788

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

MAR - 9 2011

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

DOCKETED BY
nr

IN THE MATTER OF THE APPLICATION OF
WILHOIT WATER COMPANY, INC.,
THUNDERBIRD MEADOWS SYSTEM, FOR
RETROACTIVE APPROVAL OF A FINANCING
APPLICATION.

DOCKET NO. W-02065A-07-0306

IN THE MATTER OF THE APPLICATION OF
WILHOIT WATER COMPANY, INC.,
THUNDERBIRD MEADOWS SYSTEM, FOR
APPROVAL OF A FINANCING APPLICATION.

DOCKET NO. W-02065A-07-0307

IN THE MATTER OF THE APPLICATION OF
WILHOIT WATER COMPANY, INC.,
THUNDERBIRD MEADOWS SYSTEM, FOR
APPROVAL OF A PERMANENT RATE
INCREASE

DOCKET NO. W-02065A-07-0312

IN THE MATTER OF THE APPLICATION OF
WILHOIT WATER COMPANY, INC.,
THUNDERBIRD MEADOWS SYSTEM, FOR
THE APPROVAL OF A FINANCING
APPLICATION.¹

DOCKET NO. W-02065A-08-0138

DECISION NO. 72226

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 71234**

Open Meeting
March 1 and 2, 2011
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the
Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On August 6, 2009, the Arizona Corporation Commission ("Commission") issued

¹ On February 4, 2009, this Docket was closed administratively.

1 Decision No. 71234 which approved the application of Wilhoit Water Company, Inc. (“Company” or
2 “Applicant”) on behalf of its Thunderbird Meadows System (“Thunderbird”) for a rate increase and
3 for financing approval to fund the costs for additional storage facilities.

4 2. The Commission’s approval of the Company’s applications herein were conditioned
5 upon the Company filing within 13 months of the effective date of the Decision in this proceeding
6 (September 6, 2010), with the Commission’s Docket Control, as a compliance item in this docket, a
7 monitored record of its system showing the number of gallons pumped and sold to determine the non-
8 account water for one full year. The Decision also contained a number of other conditions to be met
9 by the Company, some of which were subsequently amended.²

10 3. On October 26, 2010, the Company filed a Motion for an Extension of Time
11 (“Motion”), until February 28, 2011, for approval by the Commission to file the gallonage data which
12 was to have been filed by September 6, 2010. The Company explained that it did not have well meter
13 readings until January 2010 and would not have the data to provide the necessary information until
14 January 2011.

15 4. On January 28, 2011, the Commission’s Utilities Division (“Staff”) filed a Staff
16 Memorandum in response to the Motion in which Staff recommended approval of an extension until
17 February 28, 2011, in order for the Company to file the gallonage data concerning its well meter
18 readings for the gallons of water which were pumped and sold during the 2010 calendar year.

19 5. Staff stated that it had recently contacted Mr. Jim West, the Company’s consultant, to
20 discuss the Company’s request for an extension of time to file the gallons pumped and sold and non-
21 account water data. Mr. West confirmed that the Company does not have the early well meter
22 readings prior to January 2010, but expects to have the information for 12 months from January 2010
23 through December 2010 in order to meet the requested extension date of February 28, 2011.

24 6. Staff concluded that the Company merely committed an oversight resulting in the

25 ² On March 17, 2010, the Commission issued Decision No. 71515 approving extensions of time for the Company
26 to file copies of the Arizona Department of Environmental Quality’s (“ADEQ”) Approval to Construct (“ATC”) by
December 31, 2010, and the Approval of Construction (“AOC”) by May 1, 2011.

27 On September 28, 2010, the Commission issued Decision No. 71905 approving the implementation of the
Company’s surcharge mechanism.

28 On December 10, 2010, the Commission issued Decision No. 72006 approving an amendment to increase the
amount of approved financing by \$14,123 for a total of \$160,000.

1 delay which is unavoidable, and is recommending approval of the Motion.

2 7. Staff states that it does not object to the Company's failure to meet the compliance
3 requirement of Decision No. 71234 to file its monitoring report on the gallons pumped and sold and
4 the non-account water usage due to the Company's failure to record this data prior to January 2010.
5 However, Staff states that no further extensions should be approved.

6 8. Under the circumstances, the Company should be granted an extension of time until
7 February 28, 2011, in which to file the water monitoring report, which shows the gallons pumped and
8 sold and non-account water usage for the 2010 calendar year.

9 **CONCLUSIONS OF LAW**

10 1. The Company is a public service corporation within the meaning of Article XV of the
11 Arizona Constitution and A.R.S. §§ 40-250 and 40-251.

12 2. The Commission has jurisdiction over Applicant and of the subject matter of the
13 extension request addressed herein.

14 3. The Company's Motion for the extension of time to file the Company's water
15 monitoring report until February 28, 2011, should be granted.

16 **ORDER**

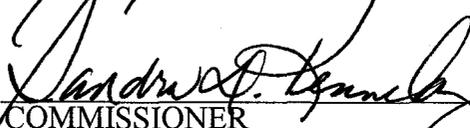
17 IT IS THEREFORE ORDERED that the Wilhoit Water Company, Inc. on behalf of its
18 Thunderbird Meadows System shall be granted an extension of time until February 28, 2011, to file
19 its water monitoring report for water pumped and sold and non-account water as required by Decision
20 No. 71234.

21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

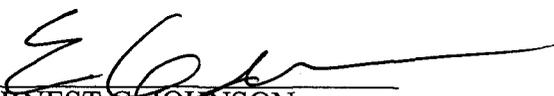
1 IT IS FURTHER ORDERED that the Wilhoit Water Company, Inc. on behalf of its
2 Thunderbird Meadows System shall be granted no further extensions in this matter, absent good
3 cause shown.

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

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

6
7
8  CHAIRMAN  COMMISSIONER
9  COMMISSIONER  COMMISSIONER  COMMISSIONER
10

11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this 9th day of MARCH, 2011.

16 
17 ERNEST G. JOHNSON
18 EXECUTIVE DIRECTOR

19 DISSENT _____

20 DISSENT _____

21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST FOR:

WILHOIT WATER COMPANY, INC.,
THUNDERBIRD MEADOWS SYSTEM

DOCKET NOS.:

W-02065A-07-0306, W-02065A-07-0307,
W-02065A-07-0312 and W-02065A-08-0138

Douglas G. Martin
Jim West
MARTIN & BELL, L.L.C.
365 East Coronado Road, Suite 200
Phoenix, AZ 85004-1560
Attorney for Wilhoit Water Company

Daniel E. Furnas
9432 Steven Trail
Wilhoit, AZ 86332

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

Steven M. Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007