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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

APR - 7 2011

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

DOCKETED BY 

IN THE MATTER OF THE APPLICATION OF
THE LINKS AT COYOTE WASH UTILITIES,
L.L.C., FOR AN EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER SERVICE
IN YUMA COUNTY, ARIZONA.

DOCKET NO. SW-04210A-06-0220

DECISION NO. 72249

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NOS. 69209 AND 71189**

Open Meeting
March 29 and 30, 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 December 21, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 69209 which approved the application of the Links at Coyote Wash Utilities, L.L.C. ("Company" or "Applicant") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide public wastewater utility service to 320 acres of land known as the Links at Coyote Wash Unit Three ("Unit Three") and Unit Four ("Unit Four") in Yuma County, Arizona.

2. Two of the conditions of the Commission's approval required the Company to file, by December 21 and December 31, 2008, respectively, copies of the following: copies of all Approval of Construction ("AOC") documentation which is issued by the Arizona Department of Environmental Quality ("ADEQ"); and a copy of the amended Aquifer Protection Permit ("APP") which is issued by ADEQ for the extension area.

1 3. On March 31, 2009, the Company filed a Motion for an Extension of Time (“Motion”)
2 for retroactive approval by the Commission to file copies of the amended APP and the AOC for Unit
3 Four by August 31, 2010, since concurrently, with the filing of the Company’s Motion, the Company
4 had filed a copy of the ADEQ AOC for Unit Three.

5 4. The Company, in its Motion, indicated it has received an Approval to Construct
6 (“ATC”) from ADEQ and that the Yuma County Department of Development Services has extended
7 the construction deadline for Unit Four for an AOC until August 2010.

8 5. The Company further related that additional time is needed to file the amended APP
9 for the extension area because ADEQ requires additional information from the Company concerning
10 its application and, while its engineering consultant is working with ADEQ, the Company does not
11 yet know when ADEQ will complete the processing of its application for the amended APP.

12 6. On May 19, 2009, the Commission’s Utilities Division (“Staff”) filed the Staff
13 Memorandum responding to the Motion.

14 7. Attached to the Staff Memorandum was a copy of an April 24, 2009, letter obtained
15 from the Company. The letter is from the extension area’s developer who is also a manager of the
16 limited liability company which owns and operates the Applicant which is the “only provider of
17 sewer service in the area.” The letter indicated a continued need for service and that the developer
18 had received preliminary plat approval for Unit Four. However, the developer further indicated that
19 construction of the sewer facilities was projected to commence sometime within the next three years.
20 Staff noted this inconsistency, since the request for the extension of time to file the AOC for Unit
21 Four and the APP was only until August 31, 2010.

22 8. Staff’s Memorandum noted that a December 19, 2008, Company compliance filing
23 related that “no construction [is] occurring in the extension area, and the developer is believed to be
24 experiencing financial problems.” Staff stated that it “understands the downturn in the economy has
25 put a damper on much of the development in the state and is concerned with projects being put on hold
26 and the possibility of development never taking place.” However, Staff recommended approval of the
27 Company’s Motion based on projected need and on the developer’s continued request for service.

28 9. Staff recommended that no further extension of time be granted.

1 extraordinary circumstances, no further extensions should be granted.

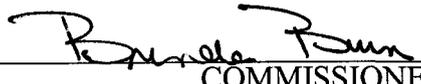
2 **ORDER**

3 IT IS THEREFORE ORDERED that the Links at Coyote Wash Utilities, L.L.C. shall be
4 granted an extension of time, until August 31, 2012, to file copies of the Approval of Construction
5 for Unit Four and the amended Aquifer Protection Permit which were previously ordered to be filed
6 in Decision No. 69209 and Decision No. 71189.

7 IT IS FURTHER ORDERED that no further extension of time to file the aforementioned
8 documents shall be granted absent extraordinary circumstances.

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

10 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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12 
13 CHAIRMAN  COMMISSIONER
14  COMMISSIONER  COMMISSIONER  COMMISSIONER
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16
17 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON
18 Executive Director of the Arizona Corporation Commission,
19 have hereunto set my hand and caused the official seal of the
20 Commission to be affixed at the Capitol, in the City of Phoenix,
21 this 7th day of April, 2011.

22 
23 ERNEST G. JOHNSON
24 EXECUTIVE DIRECTOR

25 DISSENT _____

26 DISSENT _____
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SERVICE LIST FOR:

THE LINKS AT COYOTE WASH, L.L.C.

DOCKET NO.:

SW-04210A-06-0220

Patrick J. Black
FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
Phoenix, AZ 85012

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

Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007