

ORIGINAL



0000124556

BEFORE THE ARIZONA CORPORATION C

RECEIVED

Arizona Corporation Commission

DOCKETED

201 APR 15 A 9:52

APR 15 2011

COMMISSIONERS

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

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE APPLICATION ) DOCKET NO. W-01676A-10-0400  
 OF PINEVIEW WATER COMPANY, INC. )  
 FOR AN OPINION AND ORDER (i) ) LIMITED EXCEPTION TO  
 AUTHORIZING SALE AND TRANSFER OF ) RECOMMENDED OPINION AND  
 WATER SYSTEM ASSETS, AND (ii) ) ORDER  
 CANCELLING CERTIFICATE OF )  
 CONVENIENCE AND NECESSITY. )

Pursuant to A.A.C. R14-3-110(B), Pineview Water Company, Inc. ("Pineview") files its Limited Exception to the Recommended Opinion and Order ("ROO") in the above-captioned and above-docketed proceeding, as transmitted to the parties thereto by the Commission's Executive Director on April 11, 2011. In that regard, Pineview wishes to express its appreciation for both (i) the efficient and timely manner in which Assistant Chief Administrative Law Judge Dwight Nodes conducted the March 15, 2011 evidentiary hearing and thereafter prepared the subject ROO, and (ii) the ROO's recommendations for approval of the water system asset transfer transaction and extinguishment of Certificate Convenience and Necessity ("CC&N") which are the subject of Pineview's October 4, 2010 Application in the aforesaid proceeding.

Pineview's Limited Exception is occasioned by the absence of certain language in the Second Ordering Paragraph of the ROO, which absence appears to incompletely reflect a recommendation of the Commission's Staff which presumably is the subject of the aforesaid Second Ordering Paragraph. More specifically, at page 7, lines 6-7 of the ROO, it is noted that the Commission's Staff recommended "... that the Company file documentation of the sale..." with the Commission's Docket Control. Whereas, in the Second Ordering Paragraph of the ROO, it is recommended that Pineview "... shall notify the Commission by a filing in this docket within thirty days of the closing of the sale..." [emphasis added] Pineview assumes that

LAWRENCE V. ROBERTSON, JR.  
 ATTORNEY AT LAW  
 P.O. Box 1448  
 Tubac, Arizona 85646  
 (520) 398-0411

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

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

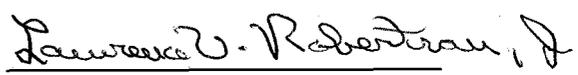
1 the ROO intends that the referenced filing be that filing of "documentation of closing of the sale"  
2 recommended by the Commission Staff. [emphasis added] In that regard, Pineview further  
3 assumes that by use of the word "documentation," the Commission's Staff was referring to the  
4 closing documents that will be used by the parties. Accordingly, Pineview respectfully suggests  
5 that the Second Ordering Paragraph of the ROO be revised to read as follows:

6 "IT IS FURTHER ORDERED that Pineview Water Company, Inc. shall notify  
7 the Commission by a filing in this docket within 30 days of the closing  
8 documentation evidencing closing of the sale and transfer of assets to the City of  
Show Low."

9 In so doing, the ROO would precisely state the nature of Pineview's compliance obligation in  
10 this regard, thereby enabling Pineview to fully discharge any remaining obligations in  
11 connection with this matter.

12 In the event that the assumptions of Pineview indicated in the preceding paragraph of this  
13 Limited Exception are in error as to what was intended by the Commission's Staff and the  
14 Second Ordering Paragraph of the ROO, then the language addition suggested above by  
15 Pineview is unnecessary.

16  
17 Dated this 13<sup>th</sup> day of April 2011.

18 Respectfully submitted,  
19   
20 Lawrence V. Robertson, Jr.  
21 Attorney for Pineview Water Company, Inc.

22 Original and thirteen (13) copies of the  
23 foregoing Limited Exception will be mailed  
for filing this 13<sup>th</sup> day of April 2011 to:

24 Docket Control  
25 Arizona Corporation Commission  
1200 West Washington  
26 Phoenix, Arizona 85007  
27  
28

LAWRENCE V. ROBERTSON, JR.  
ATTORNEY AT LAW  
P.O. Box 1448  
Tubac, Arizona 85646  
(520) 398-0411

1 A copy of the same served by e-mail or first  
Class mail this same date to:

2  
3 Dwight Nodes  
4 Assistant Chief Administrative Law Judge  
5 Hearing Division  
6 Arizona Corporation Commission  
7 1200 West Washington Street  
8 Phoenix, Arizona 85007

9 Steve Olea, Director  
10 Utilities Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Janice M. Alward, Chief Legal Counsel  
15 Legal Division  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
