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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF RIGBY WATER COMPANY FOR
APPROVAL OF TRANSFER OF ASSETS
AND CONDITIONAL CANCELLATION OF
ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY

DOCKET NO. W-01808A-10-0390

**JOINT REPORT CONCERNING
SETTLEMENT OF ISSUE OF
PAYMENT TO DAINS' ESTATE**

BRYAN CAVE LLP
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PHOENIX, ARIZONA 85004-4406
(602) 364-7000

Pursuant to Administrative Law Judge Harpring's directions during the hearing held on April 14, 2011, the parties jointly submit the following report concerning the resolution of the payment to be made to the Estate of Charles J. Dains ("Estate") as set forth in Decision No. 72252 in Docket No. W-1808A-09-0137.

Rigby Water Company and the Estate have agreed that the amount to be paid to the Estate pursuant to Decision No. 72252 shall be paid directly to the Estate by separate check from the City of Avondale ("City") concurrently with the City's payment of the lump sum payment due under the settlement agreement, exhibit A-5, between Rigby Water Company and the City in the City's pending condemnation action. Rigby Water Company, the City and the Estate are currently documenting their agreement and intend to have that agreement executed within one week.

Staff is satisfied that the agreement between Rigby Water Company and the Estate adequately addresses the jurisdictional concerns raised in the Staff Report dated March 15, 2011 in this matter. Because the parties have resolved and are in the process of finally documenting the issue of payment in full of the amount set forth in Decision No. 72252, Staff

1 recommends that Rigby Water Company's Certificate of Convenience and Necessity be
2 cancelled in this proceeding, subject only to Staff's recommendation that (1) Rigby Water
3 Company be required to file with Docket Control, as a compliance item in this docket, copies
4 of the Maricopa County Superior Court order transferring ownership of Rigby Water
5 Company's assets to the City and documentation of payment in full of the amount set forth in
6 Decision No. 72252, within 180 days of the effective date of the Decision in this matter, and
7 (2) that the cancellation of the Certificate of Convenience and Necessity be considered null
8 and void, after due process, should Rigby Water Company fail to meet said condition within
9 the specified time.

10 Rigby Water Company and the Estate do not object to Staff's proposed conditions, but
11 believe that inclusion of Staff's proposed second condition may result in the City refusing to
12 provide funding pursuant to the settlement agreement with Rigby Water Company. Due to the
13 schedules of counsel, the parties have been unable to determine whether inclusion of that
14 condition is acceptable to the City.

15
16 RESPECTFULLY SUBMITTED this 28th day of April, 2011.

17 BRYAN CAVE LLP

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19
20 By 

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CRAIG A. MARKS, PLC

By  *at* perman. of
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ARIZONA CORPORATION COMMISSION
STAFF

By  *at* perman. of
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1 ORIGINAL and 13 copies of the foregoing
filed this 28 day of April, 2011 with:

2 Docket Control Division
3 Arizona Corporation Commission
4 1200 West Washington Street
Phoenix, Arizona 85007

5 COPIES of the foregoing hand-delivered
6 this 28 day of April, 2011, to:

7 Lyn A. Farmer, Esq.
8 Chief Administrative Law Judge
9 Hearing Division
10 Arizona Corporation Commission
1200 W. Washington Street
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11 Steve Olea
12 Director, Utilities Division
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