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Arizona Corporation Commission
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2011 MAY 23 P 3:47

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9 **BEFORE THE ARIZONA CORPORATION COMMISSION**

10 IN THE MATTER OF THE
11 APPLICATION OF BENSCH RANCH
12 UTILITIES, LLC FOR A CERTIFICATE
13 OF CONVENIENCE AND NECESSITY
14 TO PROVIDE SEWER SERVICE

DOCKET NO. SW-04026A-01-0499

**MOTION TO AMEND DECISION NO.
71944 PURSUANT TO A.R.S. § 40-252**

15 Bensch Ranch Utilities, LLC (“Bensch Ranch” or “Company”) hereby requests
16 that the Arizona Corporation Commission amend Decision No. 71944 (November 1,
17 2010) pursuant to A.R.S. § 40-252. Decision No. 71944 (“Order”) amended Decision No.
18 67180 (August 10, 2004) to remove certain reporting requirements based on the death of
19 the Company’s member, Mr. Lester Smith. The Order also required Bensch Ranch to file
20 a rate application no later than November 30, 2010. For the reasons more fully addressed
21 below, the Company believes that amending this requirement will serve the public
22 interest.

23 **1. Background**

24 Bensch Ranch received its Certificate of Convenience and Necessity (“CC&N”) on
25 August 10, 2004, in Decision No. 67180. The Company serves two residential
26 developments known as Bensch Ranch Estates and Spring Valley, both located within the
community of Mayer in Yavapai County. At full build out, Bensch Ranch Estates will
consist of 411 residential units, and Spring Valley is planned to consist of 50 residential
units, 2 commercial properties, a small hotel and a convenience store.

Since the Company was first granted its CC&N, it has acquired only 22 residential

1 customers. The lack of customers and low revenue make operations difficult, yet the
2 owners of Bensch Ranch continue to provide the capital necessary to provide service to
3 these 22 customers at an average loss of \$34,000 annually. The Company's members,
4 who also have an interest in the two developments being served, do not believe that a rate
5 application is warranted at this time. After conducting its own internal rate review, it
6 appears that any rate increase needed to give Bensch Ranch the revenue required to pay
7 operating expenses would be approximately 600%. This would clearly cause rate shock to
8 the existing 22 customers, and not be in the public interest.

9 **2. Request to Amend Decision No. 71944.**

10 The Company is requesting the Commission to amend Decision No. 71944 at page
11 5, line 4 and replace "IT IS FURTHER ORDERED that Bensch Ranch Utilities shall file a
12 rate application no later than November 1, 2010" with the following ordering paragraph:

13 "IT IS FURTHER ORDERED that Bensch Ranch Utilities shall file
14 a rate application within thirty (30) days of extending service to its
15 100th customer, or by November 1, 2015, whichever occurs first."

16 Bensch Ranch wants to assure the Commission that it will continue to provide quality
17 wastewater utility service to its existing customers and any future customers absent a rate
18 increase at this time. The Company is willing to provide an annual report to the
19 Commission regarding the progress of development within Bensch Ranch Estates and
20 Spring Valley should it be deemed necessary.

21 RESPECTFULLY SUBMITTED this 23rd day of May, 2011.

22 FENNEMORE CRAIG, P.C.

23
24 By 

25 Patrick J. Black

26 Attorneys for Bensch Ranch Utilities, LLC

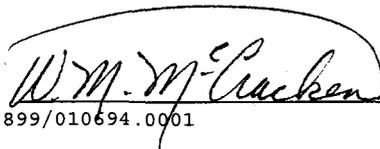
1 ORIGINAL and 13 copies filed this
23rd day of May, 2011, with:

2 Docket Control
3 Arizona Corporation Commission
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4 Phoenix, Arizona 85007

5 COPY hand-delivered this 23rd day of May, 2011:

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