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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

MAY 27 2011

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

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IN THE MATTER OF THE APPLICATION OF
 EMPIRITA WATER COMPANY, L.L.C. FOR AN
 EXTENSION OF ITS CERTIFICATE OF
 CONVENIENCE AND NECESSITY.

DOCKET NO. W-03948A-06-0490

DECISION NO. 72372

ORDER

Open Meeting
 May 24 and 25, 2011
 Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. In Decision No. 69399 (March 29, 2007), the Commission issued an "Order Preliminary" to the issuance of a Certificate of Convenience and Necessity ("CC&N") for Empirita Water Company LLC ("Empirita" or "Company").

2. As part of Decision No. 69399, the Commission ordered Empirita to file "copies of the AOC issued by ADEQ for the water plant additions needed to serve the Redhawk II development within one year of the effective date of the order granting the CC&N."

3. Decision No. 70476 (September 3, 2008) granted the CC&N to Empirita, and thus the due date for Empirita to file copies of its Approval of Construction ("AOC") for the Redhawk II development was established as September 3, 2009.

4. On April 16, 2009, Empirita sought a two-year extension of time to file the AOC for Redhawk II. The Commission granted the extension, until September 3, 2011, in Decision No. 71222 (August 6, 2009).

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c.d

1 5. On March 3, 2011, Empirita filed a subsequent "Motion for Further Extension of
2 Compliance Filing Date Deadline," requesting that the Commission extend the due date for filing the
3 AOC for the Redhawk II development from September 3, 2011, until September 3, 2013. The
4 Company cited the continuing effects of the economic recession in Arizona which has resulted in a
5 dramatic decline in new home construction and delayed the development timetable for the Redhawk
6 II development as the cause for another extension. The Company attached a letter from the
7 developer, Redhawk at J-6 Ranch, dated March 2, 2011, that confirms the developer's continued
8 intent to develop the property and its continuing need for service from Empirita.

9 6. On April 12, 2011, the Commission's Utilities Division ("Staff") filed a Memorandum
10 that states that Staff does not object to the Company's proposed extension until September 3, 2013, to
11 provide the AOC for the water plant additions needed to serve the Redhawk LL development. Staff
12 recommends that the due date for the AOC be extended to September 3, 2013, and that no further
13 extensions be granted in this matter.

14 7. In its Motion, Empirita states that it has already completed construction of a 150,000
15 gallon storage reservoir to provide water service to future residents of the Redhawk II subdivision,
16 and that all that remains to activate the system is: (i) installation of pumps, pipes and electric
17 equipment; and (ii) enclosure of the storage reservoir, for an estimated cost of \$60,000. Empirita
18 states that it prefers not to proceed with such expenditures until there is an immediate need for the
19 facilities.

20 8. Under the circumstances as reported in the Motion, Empirita's requested extension it
21 is reasonable.

CONCLUSIONS OF LAW

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23 1. Empirita is a public service corporation within the meaning of Article XV of the
24 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

25 2. The Commission has jurisdiction over Empirita and the subject matter of the motion.

26 3. An extension of time to comply with the requirements of Decision No. 69399, as
27 discussed herein, is fair and reasonable and in the public interest.

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ORDER

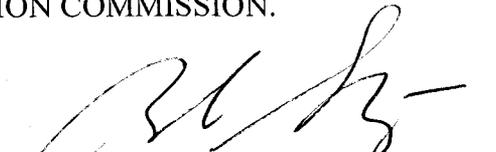
IT IS THEREFORE ORDERED that that the deadline for Empirita Water Company, LLC to file the Approval of Construction, as required by Decision Nos. 69399, 70476, and 71222 is extended to September 3, 2013.

IT IS FURTHER ORDERED that all other provisions of Decision Nos. 69399 and 70476 shall remain in effect.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN


COMMISSIONER

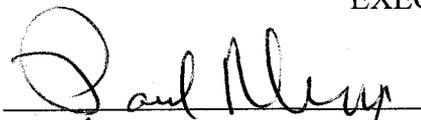

COMMISSIONER

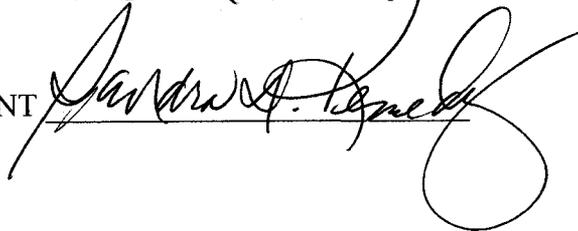

COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 27th day of MAY, 2011.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT 

DISSENT 

1 SERVICE LIST FOR: EMPIRITA WATER COMPANY, LLC

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