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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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PAUL NEWMAN
SANDRA D. KENNEDY
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JUN 6 2011

AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WASTEWATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. SW-01428A-09-0103

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. W-01427A-09-0104

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR AUTHORITY (1) TO ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$1,755,000 IN CONNECTION WITH (A) THE CONSTRUCTION OF TWO RECHARGE WELL INFRASTRUCTURE IMPROVEMENTS AND (2) TO ENCUMBER ITS REAL PROPERTY AND PLANT AS SECURITY FOR SUCH INDEBTEDNESS.

DOCKET NO. W-01427A-09-0116

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR AUTHORITY (1) TO ISSUE EVIDENCE OF INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$1,170,000 IN CONNECTION WITH (A) THE ONSTRUCTION OF ONE 200 KW ROOF MOUNTED SOLAR GENERATOR INFRASTRUCTURE IMPROVEMENTS AND (2) TO ENCUMBER ITS REAL, PROPERTY AND PLANT AS SECURITY FOR SUCH INDEBTEDNESS.

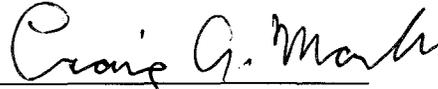
DOCKET NO. W-01427A-09-0120

NOTICE OF FILING

REVISED DIRECT TESTIMONY OF GARRETT NEWLAND

1 In accordance with the May 2, 2011, Procedural Order in this docket, Westcor/Goodyear,
2 L.L.C., and Globe Land Investors, L.L.C., hereby file the Revised Direct Testimony of Garrett
3 Newland.

4 RESPECTFULLY SUBMITTED on June 6, 2011.

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8 Craig A. Marks
9 Craig A. Marks, PLC
10 10645 N. Tatum Blvd., Ste. 200-676
11 Phoenix, Arizona 85028
12 (480) 367-1956 (Direct)
13 (480) 367-1956 (Fax)
14 Craig.Marks@azbar.org
15 Attorney for Westcor/Globe
16

17 **Original** and 13 copies filed
18 on June 6, 2011, with:

19
20 Docket Control
21 Arizona Corporation Commission
22 1200 West Washington
23 Phoenix, Arizona 85007
24

25 **Copy** of the foregoing mailed
26 on June 6, 2011, to:

27
Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

Michelle Wood, Counsel
Residential Utility Consumer Office
1110 West Washington Street, Suite 220
Phoenix, Arizona 85007-2958

Jay L. Shapiro/Todd C. Wiley
Fennemore Craig PC
3003 N. Central Ave., Suite 2600
Phoenix, Arizona 85012-2913

Martin Aronson/Robert J. Moon
Morrill & Aronson, PLC
One East Camelback Road, Ste. 340
Phoenix, Arizona 85012

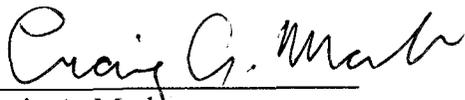
William P. Sullivan/Susan D. Goodwin
Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
501 E. Thomas Road
Phoenix, Arizona 85012-3205

Chad & Jessica Robinson
15629 W. Meadowbrook Ave.
Goodyear, Arizona 85395

Peter Gerstman
9532 E. Riggs Rd.
Sun Lakes, Arizona 85248

1
2
3
4
5

By:


Craig A. Marks

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WASTEWATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. SW-01428A-09-0103

IN THE MATTER OF THE APPLICATION OF LITCHFIELD PARK SERVICE COMPANY, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS WATER RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. W-01427A-09-0104

**REVISED DIRECT TESTIMONY
OF
GARRETT NEWLAND**

1 **I** **INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND TELEPHONE**
3 **NUMBER.**

4 A. My name is Garrett Newland. My business address is 11411 N Tatum Blvd., Phoenix,
5 AZ 85028, and my business phone is (602) 953-6200.

6 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

7 A. I am employed by Westcor as Vice President, Development.

8 **Q. WHAT ARE YOUR RESPONSIBILITIES AS WESTCOR'S VICE PRESIDENT,**
9 **DEVELOPMENT?**

10 A. I manage regional retail development and redevelopment projects for Westcor in the
11 Phoenix Metropolitan area. My recent projects include development of San Tan Village,
12 a ground up, more than 2-million-square-foot, super-regional retail destination in Gilbert,
13 Arizona, and Estrella Falls, a new super-regional retail center in Goodyear, Arizona.

14 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL EXPERIENCE.**

15 A. I received Master of Business Administration and Bachelor of Arts in Government
16 degrees from New Mexico State University in Las Cruces, New Mexico.

17 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL EXPERIENCE.**

18 A. Before joining Westcor, I served as Economic Development Director for the City of
19 Chandler, Arizona and as Vice President of Business Development for the Greater
20 Phoenix Economic Council. Overall, I have more than 20-years' experience in real
21 estate, economic development and project management in Arizona and New Mexico.

22 **Q. DO YOU HAVE ANY PROFESSIONAL AFFILIATIONS?**

1 A. Yes. I am an active member of the International Council of Shopping Centers and the
2 Valley Partnership, and serve on the Board of Director's as Treasurer for the East Valley
3 Partnership. I am also a Past President of the Board of the Arizona Association for
4 Economic Development.

5 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS CASE?**

6 A. I am testifying on behalf of Westcor/Goodyear, L.L.C. ("Westcor") and Globe Land
7 Investors, L.L.C. ("Globe"). For simplicity I will refer to Westcor and Globe together as
8 the "Developers."

9 **II PURPOSE OF TESTIMONY**

10 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS CASE?**

11 A. Litchfield Park Service Company ("LPSCO") proposes to implement a new water
12 facilities hook-up fee and a revised wastewater facilities hook-up fee. In accordance with
13 a number of agreements with LPSCO, Developers have already constructed facilities and
14 pre-paid water and wastewater capacity frees for existing and planned residential and
15 commercial construction known as Estrella Falls. LPSCO's proposed new water and
16 revised wastewater hook-up fees should not require Developers or their successors to pay
17 LPSCO any additional funds for development within the Estrella Falls Master Plan.

18 **III THE ESTRELLA FALLS DEVELOPMENT**

19 **Q. WHAT IS THE ESTRELLA FALLS DEVELOPMENT?**

20 A. Developers are working together to develop a project known as "Estrella Falls." Estrella
21 Falls is a 330-acre master-planned, mixed-use, land development north of Interstate 10
22 between Pebble Creek Parkway and Bullard Avenue in the City of Goodyear. I have
23 attached a copy of the Conceptual Master Plan for Estrella Falls to my testimony as
24 Exhibit GN-1.

1 **Q. IS ESTRELLA FALLS WITHIN LPSCO'S CERTIFICATED SERVICE**
2 **TERRITORY?**

3 A. Yes. Three hundred of the 330 acres are located north of McDowell Road and within
4 LPSCO's certificated water and wastewater service area.

5 **Q. WHAT IS THE STATUS OF THE RESIDENTIAL PORTION OF THE**
6 **ESTRELLA FALLS DEVELOPMENT?**

7 A. Globe Land Investors LLC ("GLI") has sold all of the single family, court home and
8 townhouse residential parcels in the Estrella Fall master plan. Currently, GLI and
9 Trammell Crow Residential are joint venturing a multifamily site within the Estrella Fall
10 master plan. This 328-unit project is complete and leasing stands at 93% occupied. The
11 only remaining residential site owned by GLI is another multifamily parcel that is not yet
12 under construction.

13 **Q. HOW IS THE COMMERCIAL PORTION OF ESTRELLA FALLS BEING**
14 **DEVELOPED?**

15 A. Estrella Falls is being developed in phases. Phase I of Estrella Falls is a portion of a 66-
16 acre retail "power center" on the northeast corner of McDowell Road and Pebble Creek
17 Parkway (the "Power Center"). The Power Center will include major tenants, shops and
18 pad buildings, plus hotels. Phase II of the Estrella Falls project involves the remainder of
19 the Power Center, development of a regional center known as the Estrella Falls Mall on
20 the northwest corner of McDowell Road and Bullard Avenue, and additional commercial
21 development. Phase I of the Power Center opened in 2008 and tenants are entering
22 leases. Westcor expects to begin construction of the Estrella Falls Mall in 2013, with
23 completion expected in 2014/15.

1 **Q. HOW WILL LPSCO PROVIDE WATER AND WASTEWATER SERVICE TO**
2 **ESTRELLA FALLS?**

3 A. Because this is a large development, Developers and LPSCO in 2001 entered into four
4 master agreements concerning, among other things, what off-site facilities LPSCO would
5 need to construct to serve Estrella Falls and the amount of funds that Developers would
6 be required to advance or contribute for those off-site facilities. The following table lists
7 each agreement, any off-site facilities for which Developers would be responsible, and
8 any additional funds payable by Developers.

Agreement	Developer-Funding
Residential Water Agreement	Developers paid for two wells each costing \$400,000 (total of \$800,000). Developers or successors constructed and advanced multiple transmission mains, including lines in McDowell Road, Virginia Avenue, Encanto Avenue, and Bullard Road costing hundreds of thousands of dollars.
Residential Wastewater Agreement	Developers paid LPSCO \$2.5 million for wastewater capacity. Developers or successors constructed and advanced multiple transmission mains, including lines in McDowell Road, Virginia Avenue, Encanto Avenue, and Bullard Road costing hundreds of thousands of dollars.
Commercial Water Agreement	Developers advanced \$400,000 to pay LPSCO for a new well. Developers constructed and advanced multiple transmission mains, including lines in Pebble Creek Parkway, McDowell Road, 150th Avenue, Monte Vista and Bullard Roads costing hundreds of thousands of dollars.

Agreement	Developer-Funding
Commercial Wastewater Agreement	For wastewater treatment capacity, Developers paid the following amounts: Phase I Capacity – \$287,640 Phase II Capacity – \$4,844,623 Developers constructed and advanced multiple transmission mains, including lines in Pebble Creek Parkway, McDowell Road, 150th Avenue, Monte Vista and Bullard Roads costing hundreds of thousands of dollars.

1 Developers and LPSCO have also entered into numerous line extension agreements in
2 furtherance of the four master agreements.

3 **Q. I SEE THE PHASE II CAPACITY PAYMENT OF \$4,844,623 FOR**
4 **COMMERCIAL WASTEWATER; IS THIS THE AMOUNT STIPULATED IN**
5 **THE COMMERCIAL WASTEWATER AGREEMENT?**

6 A. No. The parties could not agree on the amount required to be paid in the Commercial
7 Wastewater Agreement for Phase II Capacity. The \$4,844,623 payment was ultimately
8 agreed to in a settlement agreement filed in Complaint Docket No. SW-01428A-08-0234.
9 Developers tendered this amount to LPSCO on November 3, 2008.

10 **IV REQUESTED RELIEF**

11 **Q. WHAT ARE DEVELOPERS ASKING THE COMMISSION TO DO?**

12 A. Simply put, Developers are asking the Commission to honor the existing agreements
13 between them and LPSCO. Developers have constructed or funded almost all required
14 off-site facilities required for LPSCO to provide water and wastewater service to the
15 Estrella Falls Development. LPSCO's proposed new water and revised wastewater hook-
16 up fees should not require Developers or their successors to pay LPSCO any additional
17 funds for development within the Estrella Falls Master Plan.

1 Q. **DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

2 A. Yes.



- Retail
- Office
- Hotel
- Residential


Estrella Falls
 Goodyear, Arizona