

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

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COMMISSIONERS

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

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES, LLC, DBA  
JOHNSON UTILITIES COMPANY FOR AN  
INCREASE IN ITS WATER AND  
WASTEWATER RATES FOR CUSTOMERS  
WITHIN PINAL COUNTY, ARIZONA.

DOCKET NO. WS-02987A-08-0180

**NOTICE OF FILING AFFIDAVIT OF  
PUBLICATION AND CERTIFICATION  
OF MAILING**

Brownstein Hyatt Farber Schreck, LLP  
40 North Central Avenue, 14<sup>th</sup> Floor  
Phoenix, AZ 85004

On February 28, 2011, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed a Petition to Amend Decision 71854 Pursuant to A.R.S. §40-252 (the "Petition"). In its Procedural Order dated July 20, 2011, the Arizona Corporation Commission ("Commission") ordered that: (i) a public comment meeting be held regarding the Petition on August 2, 2011, at 6:00 p.m. at the Sun City Anthem at Merrill Ranch Union Center; and (ii) the Petition be considered at the Open Meeting on August 11, 2011. The Commission further ordered that Johnson Utilities provide public notice of the Petition, the public comment meeting and the Open Meeting in a form of notice ("Notice") set forth in the Procedural Order. The Commission further ordered that Johnson Utilities publish the Notice in a newspaper of general circulation in the service area and mail a copy of the Notice to all customers by July 26, 2011.

Pursuant to the July 20, 2011, Procedural Order, Johnson Utilities caused the Notice to be published in the July 24 and 25, 2011 editions of the *East Valley Tribune* and the July 23, 2011 edition of the *Casa Grande Dispatch*. Copies of the Affidavits of Publication from the *East Valley Tribune* and the *Casa Grande Dispatch* are attached as Attachment 1.

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**Brownstein Hyatt Farber Schreck, LLP**  
40 North Central Avenue, 14<sup>th</sup> Floor  
Phoenix, AZ 85004

1 Johnson Utilities caused a copy of the Notice to be mailed to all customers on or before  
2 July 26, 2011. A copy of the Company's Certification of Mailing Customer Notice is attached as  
3 Attachment 2.

4 RESPECTFULLY submitted this 28th day of July, 2011.

5 BROWNSTEIN HYATT FARBER SCHRECK LLP

6 

7 Jeffrey W. Crockett, Esq.  
8 40 N. Central Ave., Fourteenth Floor  
9 Phoenix, Arizona 85004  
Attorneys for Johnson Utilities LLC

10 ORIGINAL and thirteen (13) copies of the  
11 foregoing filed this 28th day of July, 2011, with:

12 Docket Control  
13 ARIZONA CORPORATION COMMISSION  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007

16 Copy of the foregoing hand-delivered  
17 this 28th day of July, 2011, to:

18 Teena Jibilian, Administrative Law Judge  
19 Hearing Division  
20 ARIZONA CORPORATION COMMISSION  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

23 Janice Alward, Chief Counsel  
24 Legal Division  
25 ARIZONA CORPORATION COMMISSION  
26 1200 West Washington Street  
27 Phoenix, Arizona 85007

28 Steve Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

**Brownstein Hyatt Farber Schreck, LLP**  
40 North Central Avenue, 14<sup>th</sup> Floor  
Phoenix, AZ 85004

1 Daniel W. Pozefsky, Chief Counsel  
2 RESIDENTIAL UTILITY CONSUMER OFFICE  
3 1110 W. Washington Street, Suite 220  
4 Phoenix, Arizona 85007

5 COPY of the foregoing sent via e-mail and first  
6 class mail this 28th day of July, 2011, to:

7 Craig A. Marks, Esq.  
8 Craig A. Marks, PLC  
9 10645 North Tatum Boulevard  
10 Suite 200-676  
11 Phoenix, Arizona 85028

12 James E. Mannato, Esq.  
13 Town Attorney  
14 P.O. Box 2670  
15 775 North Main Street  
16 Florence, Arizona 85232-2670

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14676111566476.1

# **Attachment 1**

## Daily News-Sun

10102 Santa Fe Drive  
Sun City, Arizona 85351  
623.977.8351  
Fax 623.876.2589

## East Valley Tribune

1620 W. Fountainhead Pkwy  
Suite 219  
Tempe, AZ 85282  
480.898.6466

### Affidavit of Publication

**Ad: ( for 7/24/2011 thru 7/26/2011 NOTICEOFPUBLICCOMMENTMEETINGINFLC**

I, Vicki Serna, Legal Advertising Representative,  
acknowledge that the attached ad was published in a  
newspaper of general circulation.  
The dates of the publication and description are stated  
above.

Daily News-Sun and  
The East Valley Tribune

*Vicki Serna*

Vicki Serna, Legal Advertising Representative

**Account :** 6261096

**Ad Number:** 16702065

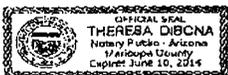
**Price:** \$756.26

STATE OF ARIZONA,  
COUNTY OF MARICOPA

On 7/27/2011 Vicki Serna  
appeared before me, whom I know  
personally to be the person who signed the  
above document and proved she signed it.

*Theresa DiBona*

Theresa DiBona Notary Public



# NOTICE OF PUBLIC COMMENT MEETING IN FLORENCE, ARIZONA AND OPEN MEETING IN PHOENIX, ARIZONA REGARDING JOHNSON UTILITIES, LLC, DBA JOHNSON UTILITIES COMPANY'S PETITION TO AMEND DECISION NO. 71854 PURSUANT TO A.R.S. § 40-252 (Docket No. WS-02987A-08-0180)

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed a rate application with the Arizona Corporation Commission ("Commission") for its water and wastewater utility services using a 2007 test year. On August 25, 2010, the Commission issued Decision No. 71854 approving decreases in the rates and charges for Johnson Utilities, which were retroactive to June 1, 2010. On February 28, 2011, Johnson Utilities filed a Petition to Amend Decision No. 71854 Pursuant to A.R.S. § 40-252 ("Petition") to increase the rates approved in Decision No. 71854 on the grounds that the Company is operating at a loss as a result of the new rates approved in Decision No. 71854.

## Commission Sets Local Public Comment Meeting and Phoenix Open Meeting

The Commission will hold a Public Comment Meeting to take public comment regarding the Petition on August 2, 2011, at 6:00 p.m. at the Sun City Anthem at Merrill Ranch Union Center, 3925 Sun City Boulevard, Florence, Arizona 85132. The Commission plans to hold an Open Meeting to consider the Petition on August 11, 2011, at 10:00 a.m. at the Commission's offices, located at 1200 West Washington Street, Phoenix, Arizona 85007.

Written public comments may be submitted by mailing a letter referencing Docket No. WS-02987A-08-0180 to the Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007, or by e-mail.

For a form to use and instructions on how to e-mail comments to the Commission, go to: <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

## Water Division Rates

Under the rates approved in Decision No. 71854, a residential customer with an average usage of 6,931 gallons per month with a ¾-inch water meter experienced a monthly rate decrease of \$12.78, or approximately 30.01 percent, from \$42.59 per month to \$29.81 per month. The Company's Petition requests an annual revenue increase for its water division of approximately \$264,823 over the revenues approved in Decision No. 71854. For a residential water customer with an average usage of 6,931 gallons per month, with a ¾-inch water meter, the Company's request would increase the monthly rate by \$1.05, or approximately 3.5 percent, from \$29.81 per month under Decision No. 71854 to \$30.86 per month. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

## Wastewater Division Rates

Under rates approved in Decision No. 71854, a residential wastewater customer with a ¾-inch water meter experienced a monthly rate decrease of \$5.71, or approximately 14.83 percent, from \$38.50 per month to \$32.79 per month. The Company's Petition requests an annual revenue increase for its wastewater division of approximately \$1,872,398 over the revenues approved in Decision No. 71854. For a residential wastewater customer with a ¾-inch water meter, the Company's request would increase the monthly rate by \$6.41, or approximately 19.5 percent, from \$32.79 per month to \$39.20 per month. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

The Commission is not bound by the proposals made by the Company in its Petition; therefore, the final rates approved by the Commission may be higher or lower than the rates requested by Johnson Utilities.

#### How You Can View or Obtain a Copy of the Petition

Copies of the Petition are available from Johnson Utilities at 968 East Hunt Highway, Queen Creek, Arizona 85242 and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function located at the bottom of the Commission's website home page.

#### ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, e-mail [sbernal@azcc.gov](mailto:sbernal@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

July 24, 25, 2011 / 16702065

STATE OF ARIZONA

COUNTY OF PINAL

} ss.

### Affidavit of Publication

RUTH A. KRAMER first being duly sworn

deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Casa Grande Dispatch, a daily newspaper published at Casa Grande, Pinal County, Arizona, Tuesday through Sunday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE issues the first publication thereof having been on the

23RD day of JULY A.D., 2011

Second publication \_\_\_\_\_

Third publication \_\_\_\_\_

Fourth publication \_\_\_\_\_

Fifth publication \_\_\_\_\_

Sixth publication \_\_\_\_\_

**PUBLIC NOTICE**

**PUBLIC NOTICE**

# NOTICE OF PUBLIC MEETING IN FLOI ARIZONA AND OPEN IN PHOENIX, AR REGARDING JO UTILITIES, LLC, DBA UTILITIES COMPANY' TO AMEND DECISION PURSUANT TO A.R.S (Docket No. WS-02987

On March 31, 2008, Johnson Utilities, LLC, dba ("Johnson Utilities" or "Company") filed a rate application with the Arizona Corporation Commission ("Commission") for its water and wastewater rates for the test year. On August 25, 2010, the Commission issued Decision No. 71854 on the grounds that the Company is of the new rates approved in Decision No. 71854.

#### Commission Sets Local Public Comment Meeting

The Commission will hold a Public Comment Meeting on August 2, 2011, at 6:00 p.m. at the Sun Union Center, 3925 Sun City Boulevard, Florence, Arizona. The Commission plans to hold an Open Meeting to consider the Petitioner's proposed rates at 12:00 p.m. at the Commission's offices, located at 1200 West Washington, Phoenix, Arizona 85007.

Written public comments may be submitted by mailing comments to WS-02987A-08-0180 to the Arizona Corporation Commission, Section 1200 West Washington, Phoenix, Arizona 85007.

For a form to use and instructions on how to e-mail comments, go to: <http://www.azcc.gov/Divisions/Utilities/forms/PC>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

#### Water Division Rates

Under the rates approved in Decision No. 71854, a residential customer with a 3/4-inch water meter will experience a monthly rate decrease of \$12.78, or approximately 3 percent, from \$32.59 per month to \$29.81 per month. The Company's Petition for a rate increase for its water division of approximately \$264,800 in Decision No. 71854. For a residential water customer with a 3/4-inch water meter, the Company's proposed rate is \$32.59 per month.

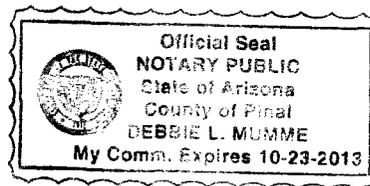
### CASA GRANDE DISPATCH

By [Signature]  
agent and/or publisher of the Casa Grande Dispatch

Sworn to before me this 25th day of July, A.D. 2011

[Signature]

Notary Public in and for the County of Pinal, State of Arizona



**NOTICE OF PUBLIC COMMENT  
MEETING IN FLORENCE,  
ARIZONA AND OPEN MEETING  
IN PHOENIX, ARIZONA  
REGARDING JOHNSON  
UTILITIES, LLC, DBA JOHNSON  
UTILITIES COMPANY'S PETITION  
TO AMEND DECISION NO. 71854  
PURSUANT TO A.R.S. § 40-252  
(Docket No. WS-02987A-08-0180)**

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed a rate application with the Arizona Corporation Commission ("Commission") for its water and wastewater utility services using a 2007 test year. On August 25, 2010, the Commission issued Decision No. 71854 approving decreases in the rates and charges for Johnson Utilities, which were retroactive to June 1, 2010. On February 28, 2011, Johnson Utilities filed a Petition to Amend Decision No. 71854 Pursuant to A.R.S. § 40-252 ("Petition") to increase the rates approved in Decision No. 71854 on the grounds that the Company is operating at a loss as a result of the new rates approved in Decision No. 71854.

**Commission Sets Local Public Comment Meeting and Phoenix Open Meeting**

The Commission will hold a Public Comment Meeting to take public comment regarding the Petition on August 2, 2011, at 6:00 p.m. at the Sun City Anthem at Merrill Ranch Union Center, 3925 Sun City Boulevard, Florence, Arizona 85132. The Commission plans to hold an Open Meeting to consider the Petition on August 11, 2011, at 10:00 a.m. at the Commission's offices, located at 1200 West Washington Street, Phoenix, Arizona 85007.

Written public comments may be submitted by mailing a letter referencing Docket No. WS-02987A-08-0180 to the Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona 85007, or by e-mail.

For a form to use and instructions on how to e-mail comments to the Commission, go to: <http://www.azcc.gov/Divisions/Utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

**Water Division Rates**

Under the rates approved in Decision No. 71854, a residential customer with an average usage of 6,931 gallons per month with a 3/4-inch water meter experienced a monthly rate decrease of \$12.78, or approximately 30.01 percent, from \$42.59 per month to \$29.81 per month. The Company's Petition requests an annual revenue increase for its water division of approximately \$264,823 over the revenues approved in Decision No. 71854. For a residential water customer with an average usage of 6,931 gallons per month, with a 3/4-inch water meter, the Company's request would increase

the monthly rate by \$1.05, or approximately 3.5 percent, from \$29.81 per month under Decision No. 71854 to \$30.86 per month. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

#### Wastewater Division Rates

Under rates approved in Decision No. 71854, a residential wastewater customer with a 3/4-inch water meter experienced a monthly rate decrease of \$5.71, or approximately 14.83 percent, from \$38.50 per month to \$32.79 per month. The Company's Petition requests an annual revenue increase for its wastewater division of approximately \$1,872,398 over the revenues approved in Decision No. 71854. For a residential wastewater customer with a 3/4-inch water meter, the Company's request would increase the monthly rate by \$6.41, or approximately 19.5 percent, from \$32.79 per month to \$39.20 per month. The actual change in rates for individual customers would vary depending upon the type and quantity of service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.

The Commission is not bound by the proposals made by the Company in its Petition; therefore, the final rates approved by the Commission may be higher or lower than the rates requested by Johnson Utilities.

#### How You Can View or Obtain a Copy of the Petition

Copies of the Petition are available from Johnson Utilities at 968 East Hunt Highway, Queen Creek, Arizona 85242 and at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the Internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function located at the bottom of the Commission's website home page.

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No. of publications: 1; date of publication: July 23, 2011.

# **Attachment 2**

**CERTIFICATION OF MAILING OF CUSTOMER NOTICE**

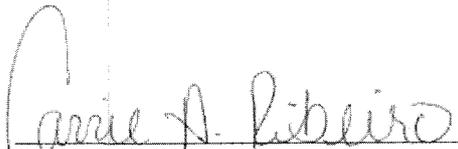
STATE OF ARIZONA        )  
                                  )        ss.  
COUNTY OF PINAL        )

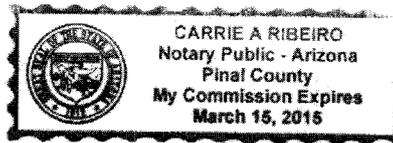
I, Stephanie Poulin, being first duly sworn, depose and state as follows:

1. I am a resident of Pinal County, State of Arizona.
2. I have personal knowledge of the facts set forth below, and if called upon to do so, I am competent to testify thereto.
3. On or before July 26, 2011, and in my role as office manager, I caused a copy of the notice attached hereto as Exhibit 1 to be mailed to all current water and all current wastewater customers of Johnson Utilities, L.L.C. ("Johnson Utilities" or the "Company").

  
\_\_\_\_\_  
STEPHANIE POULIN

SUBSCRIBED AND SWORN to before  
me this 27th day of July, 2011.

  
\_\_\_\_\_  
Notary Public  
14676111566509.1



**Exhibit 1**

**NOTICE OF PUBLIC COMMENT MEETING**  
**IN FLORENCE, ARIZONA AND OPEN**  
**MEETING IN PHOENIX, ARIZONA**  
**REGARDING JOHNSON UTILITIES, LLC,**  
**DBA JOHNSON UTILITIES COMPANY'S**  
**PETITION TO AMEND DECISION NO. 71854**  
**PURSUANT TO A.R.S. § 40-252 (Docket No.**  
**WS-02987A-08-0180)**

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson Utilities" or "Company") filed a rate application with the Arizona Corporation Commission ("Commission") for its water and wastewater utility services using a 2007 test year. On August 25, 2010, the Commission issued Decision No. 71854 approving decreases in the rates and charges for Johnson Utilities, which were retroactive to June 1, 2010. On February 28, 2011, Johnson Utilities filed a Petition to Amend Decision No. 71854 Pursuant to A.R.S. § 40-252 ("Petition") to increase the rates approved in Decision No. 71854 on the grounds that the Company is operating at a loss as a result of the new rates approved in Decision No. 71854.

**Commission Sets Local Public Comment Meeting and Phoenix Open Meeting**

The Commission will hold a **Public Comment Meeting** to take public comment regarding the Petition on **August 2, 2011, at 6:00 p.m. at the Sun City Anthem at Merrill Ranch Union Center, 3925 Sun City Boulevard, Florence, Arizona 85132.** The Commission plans to hold an **Open Meeting** to consider the Petition on **August 11, 2011, at 10:00 a.m. at the Commission's offices, located at 1200 West Washington Street, Phoenix, Arizona 85007.**

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**Wastewater Division Rates**

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**service provided. You may contact the Company and request a calculation of the impact of its proposals on your account.**

The Commission is not bound by the proposals made by the Company in its Petition; therefore, the final rates approved by the Commission may be higher or lower than the rates requested by Johnson Utilities.

**How You Can View or Obtain a Copy of the Petition**

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