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COMMISSIONERS

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

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Arizona Corporation Commission

DOCKETED

AUG 18 2011

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE FORMAL
COMPLAINT OF CHARLES J. DAINS
AGAINST RIGBY WATER COMPANY

DOCKET NO. W-01808A-09-0137

**NOTICE OF FILING
ACKNOWLEDGEMENT OF
PAYMENT PURSUANT TO
DECISION NO. 72252**

Pursuant to Decision No. 72252, Rigby Water Company hereby provides notice of payment in full to the Estate of Charles J. Dains. A copy of the executed Acknowledgement of Payment is attached as Exhibit A.

Dated this 18th day of August, 2011.

BRYAN CAVE LLP

By

Steven A. Hirsch, #006360
Stanley B. Lutz, #021195
Two N. Central Avenue, Suite 2200
Phoenix, AZ 85004-4406
Attorneys for Rigby Water Company

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

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ORIGINAL and 13 copies of the foregoing
filed this 18th day of August, 2011 with:

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

COPIES of the foregoing hand-delivered
this 18th day of August, 2011, to:

Lyn A. Farmer, Esq.
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

Mr. Stephen M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

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

COPY of the foregoing mailed/emailed
this 18th day of August, 2011, to:

Craig A. Marks, Esq.
Craig A. Marks, PLC
10645 North Tatum Boulevard
Suite 200-676
Phoenix, Arizona 85028

Cathy Russell

EXHIBIT A

1 **COMMISSIONERS**

2 **GARY PIERCE, Chairman**
3 **BOB STUMP**
4 **SANDRA D. KENNEDY**
5 **PAUL NEWMAN**
6 **BRENDA BURNS**

7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8
9 IN THE MATTER OF THE APPLICATION
10 OF RIGBY WATER COMPANY FOR
11 APPROVAL OF TRANSFER OF ASSETS
12 AND CONDITIONAL CANCELLATION OF
13 ITS CERTIFICATE OF CONVENIENCE
14 AND NECESSITY

DOCKET NO. W-01808A-10-0390

15 **ACKNOWLEDGEMENT OF
16 PAYMENT**

17 Applicant, Rigby Water Company ("Rigby"), and Intervenor, Estate of Charles J.
18 Dains ("Dains"), hereby acknowledge that the City of Avondale ("Avondale") has timely
19 paid in full (1) the amount Rigby was ordered in Decision 72252 (Docket No. W-01808A-
20 09-0137) and as a condition to Decision 72387 entered in this Docket No. W-01808A-10-
21 0390 to pay to Dains for reimbursement of an MXA; and (2) the remaining amount of the
22 Lump Sum Settlement Amount. Therefore, Avondale has satisfied the requirements of the
23 three-party agreement with Dains; the up-front settlement payment obligations of the
24 Settlement Agreement and First Addendum between Rigby and Avondale; and the payment
25 conditions to Decision 72387.

26 ///

27 ///

1 A copy of the Final Order of Condemnation, once it is entered, will be provided for
2 the docket in this matter as required by Decision 72387.

3
4 DATED this 12 day of August, 2011.

5 THE ESTATE OF CHARLES J. DAINS

6
7
8 By *Ann Marie Dains*
9 Its: _____

10 CRAIG A. MARKS, PLC

11
12 By *Craig A. Marks*
13 Craig A. Marks
14 10645 North Tatum Boulevard
15 Suite 200-676
16 Phoenix, Arizona 85028
17 Attorney for the Estate of Charles J. Dains

18 RIGBY WATER COMPANY

19
20 By _____
21 Its: _____

22 BRYAN CAVE LLP

23
24 By *Stanley B. Lutz*
25 Steven A. Hirsch, #006360
26 Stanley B. Lutz, #021195
27 Two N. Central Avenue, Suite 2200
28 Phoenix, AZ 85004-4406
Attorneys for Rigby Water Company

1 A copy of the Final Order of Condemnation, once it is entered, will be provided for
2 the docket in this matter as required by Decision 72387.

3
4 DATED this 5th day of August, 2011.

5 THE ESTATE OF CHARLES J. DAINS

6
7
8 By _____

9 Its: _____

10 CRAIG A. MARKS, PLC

11
12
13 By _____

14 Craig A. Marks
15 10645 North Tatum Boulevard
16 Suite 200-676
17 Phoenix, Arizona 85028
18 Attorney for the Estate of Charles J. Dains

19 RIGBY WATER COMPANY

20 By Judy A. Lopez

21 Its: President

22
23 BRYAN CAVE LLP

24
25
26 By [Signature]

27 Steven A. Hirsch, #006360
28 Stanley B. Lutz, #021195
Two N. Central Avenue, Suite 2200