

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

2011 SEP 21 A 8:52

DATE: SEPTEMBER 27, 2011

DOCKET NO.: SW-04316A-06-0382

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc E. Stern. The recommendation has been filed in the form of an Opinion and Order on:

ENTRADA DEL ORO SEWER COMPANY
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NO. 69412)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

OCTOBER 6, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

OCTOBER 11, 2011 and OCTOBER 12, 2011

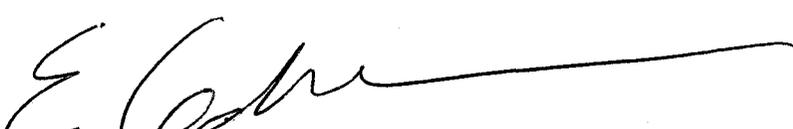
For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

SEP 27 2011

DOCKETED BY 


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF ENTRADA DEL ORO SEWER COMPANY FOR AN EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR WASTEWATER SERVICES.

DOCKET NO. SW-04316A-06-0382

DECISION NO. _____

ORDER EXTENDING TIME DEADLINE CONTAINED IN DECISION NO. 69412

Open Meeting
October 11 and 12, 2011
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On April 16, 2007, the Arizona Corporation Commission ("Commission") issued Decision No. 69412 which approved the application of Entrada Del Oro Sewer Company ("Company" or "Applicant") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide public wastewater utility service to a 160 acre parcel of land being developed as a 550 lot residential subdivision by Ranch 160, LLC in Pinal County, Arizona.

2. A condition of the Commission's approval required the Company to file, by June 20, 2009, a copy of the Approval to Construct ("ATC") certification which is issued by the Arizona Department of Environmental Quality ("ADEQ") for a new lift station and sewer main to be used in the extension area.

3. On September 14, 2011, the Company filed a Motion for an Extension of Time ("Motion") for retroactive approval by the Commission to file a copy of the ATC for the facilities for

1 the extension area by June 30, 2015. Concurrently, with the filing of the Company's Motion, the
2 Company filed a copy of a letter from the developer of the 160 acre parcel stating that it has
3 encountered a delay in its development due to the depressed real estate environment.

4 4. The developer, in its letter, indicated that it has received the completed plans for the
5 lift station and sewer main which are ready to be submitted to ADEQ. The developer has also
6 conveyed an easement to the Company for the planned sewer main and hopes to begin construction
7 of the development in three to five years.

8 5. On September 21, 2011, the Commission's Utilities Division ("Staff") filed the Staff
9 Memorandum in response to the Motion.

10 6. In the Staff Memorandum, Staff notes that the Company filed its Motion more than
11 two years after the ATC was due to be filed, and recommends that the Company be put on notice that
12 any further Motions for an extension of time be filed well ahead of the compliance due date so that
13 the Commission may act upon the request prior to the item ever becoming delinquent.

14 7. Staff believes that an additional two year extension of time is more reasonable than the
15 Company's proposal, which represents an overall extension of six years from the original compliance
16 due date in June 2009.

17 8. Staff recommends an extension for the Company from June 20, 2009, until June 20,
18 2013.

19 9. Staff further recommends that no additional extension requests be granted.

20 10. Under the circumstances, the Company's Motion is reasonable and should be granted
21 for the extension of time as recommended by Staff, until June 20, 2013; however, we will put the
22 Company on notice that any further requests for an extension of time to comply should be timely
23 filed and must demonstrate that extraordinary circumstances exist that will warrant an additional
24 extension.

25 CONCLUSIONS OF LAW

26 1. The Company is a public service corporation within the meaning of Article XV of the
27 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

28 2. The Commission has jurisdiction over the Company and the subject matter of the

1 extension request addressed herein.

2 3. Staff's recommendation for the extension of time to file copies of the required
3 documentation, as set forth above in Findings of Fact No. 8, should be adopted, but absent
4 extraordinary circumstances, no further extensions should be granted.

5 **ORDER**

6 IT IS THEREFORE ORDERED that the Entrada Del Oro Sewer Company shall be granted
7 an extension of time, until June 20, 2013, to file a copy of the certification of the Approval to
8 Construct as ordered in Decision No. 69412.

9 IT IS FURTHER ORDERED that no further extension of time to file the aforementioned
10 documentation shall be granted absent extraordinary circumstances.

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

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13
14

15 CHAIRMAN _____ COMMISSIONER _____

16
17 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

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

23 _____
24 ERNEST G. JOHNSON
25 EXECUTIVE DIRECTOR

26 DISSENT _____

27 DISSENT _____

28 MES:db

1 SERVICE LIST FOR: ENTRADA DEL ORO SEWER COMPANY

2 DOCKET NO.: SW-04316A-06-0382

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