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MEMORANDUM

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Arizona Corporation Commission

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FROM: Steven M. Olea  
Director  
Utilities Division

EA for SMD

2011 OCT -5 P 2:01

AZ CORP COMMISSION  
DOCKET CONTROL

OCT 5 2011

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DATE: October 5, 2011

RE: BACA FLOAT WATER COMPANY - REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE (DOCKET NO. WS-01678A-07-0116)

In Decision No. 69949, dated October 30, 2007, the Arizona Corporation Commission ("Commission") approved the application of Baca Float Water Company ("Baca Float" or "Company") for an extension of its existing Certificate of Convenience and Necessity for water service.

As part of Decision No. 69949, the Commission ordered the following:

**"... Boca Float Water Company shall file with Docket Control as a compliance item in this docket, a copy of the ADEQ Approval to Construct the facilities needed to serve the first phase of development in the requested area within two years of the effective date of this decision."**

Based on the October 30, 2007 date of Decision No. 69949 and the Commission's two year requirement, the original due date for Arizona Department of Environmental Quality ("ADEQ") Approval to Construct ("ATC") filing was on or about October 30, 2009.

On September 3, 2009, Boca Float docketed a filing in which they requested a two year extension of time, until October 30, 2011, to file the required ATC. Staff docketed a response on October 1, 2009, and did not object to the Company request. On December 23, 2009, the Commission issued Decision No. 71437 which extended the due date on the required ATC until October 30, 2011. The decision also stated that no further extensions should be granted absent extraordinary circumstances.

On September 16, 2011, Boca Float docketed a subsequent request for extension of time, seeking to extend the due date for the required ATC until September 30, 2013. The application states that the developer, Presidio de Tubac Development, Inc. ("Presidio Development") has further delayed plans to construct "due to the economic situation throughout the nation and continued slowing of the real estate market."

The Company does expect construction to proceed in 2013. This is based on an updated request for service letter from Presidio Development which states that development will begin within that timeframe. The developer further expresses their support for the Company request for

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extension of time. Therefore, based on the developer's letter, Baca Float requests a further extension of time until September 30, 2013, for the provision of the ADEQ ATC.

Based on the application and all of the above, Staff does not object to Baca Float's request for an extension of time to provide the ADEQ ATC on the facilities needed to serve the first phase of development in the area outlined in Decision No. 69949. Staff therefore recommends that the Commission due date for filing the required ATC be extended until September 30, 2013.

SMO:BKB:lhv

Originator: Brian K. Bozzo

SERVICE LIST FOR:  
DOCKET NO.

BACA FLOAT WATER COMPANY  
WS-01678A-07-0116

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