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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

OCT 14 2011

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

DOCKETED BY nr

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. 72631

**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**

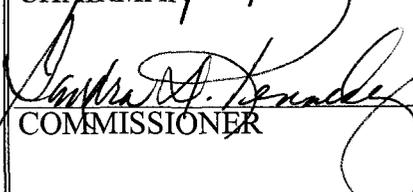
6 IT IS THEREFORE ORDERED that the Entrada Del Oro Sewer Company shall be granted  
7 an extension of time, until June 20, 2013, to file a copy of the certification of the Approval to  
8 Construct as ordered in Decision No. 69412.

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.

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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 14<sup>th</sup> day of October, 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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