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BEFORE THE ARIZONA CORPORATION COMMISSION

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

Arizona Corporation Commission

DOCKETED

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DOCKETED BY
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IN THE MATTER OF THE APPLICATION)
OF JOHNSON UTILITIES L.L.C. DBA)
JOHNSON UTILITIES COMPANY FOR AN)
EXTENSION OF ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO)
PROVIDE WATER AND WASTEWATER)
SERVICES.)

DOCKET NO. WS-02987A-05-0695

DECISION NO. 72662

ORDER AMENDING
DECISION NO. 68961

BY THE COMMISSION:

Pursuant to A.R.S. § 40-252, on June 23, 2011, Johnson Utilities, L.L.C. ("Johnson Utilities" or the "Company") filed a renewed request with the Arizona Corporation Commission ("Commission") to amend Decision No. 68961 to either remove the requirement that the Company file within 24 months a copy of the aquifer protection permit ("APP") issued the Arizona Department of Environmental Quality ("ADEQ") for the Copper Basin Wastewater Regional Treatment Plant ("Copper Basin WWTP"), or alternatively to extend the deadline for filing a copy of the APP until no earlier than December 31, 2016.

FINDINGS OF FACT

1. Decision No. 68961, entered on September 21, 2006, conditionally granted Johnson Utilities application for an extension of its certificate of convenience and necessity ("CC&N") to include water and wastewater services for two developments known as Silverado Ranch and Skyline View Estates.

2. A condition in Decision No. 68961 required Johnson to file within 24 months of the decision, a copy of the APP for the Copper Basin WWTP.

1 3. The Copper Basin WWTP is a master planned wastewater treatment project for which
2 Johnson Utilities obtained Central Arizona Association of Governments ("CAAG") § 208 Water
3 Quality Plan approval. On September 15, 2008, Johnson Utilities filed with Docket Control copies
4 of the CAAG Section 208 Plan Amendments for the Company's Section 11 wastewater treatment
5 plant and the planned Copper Basin WWTP. The Company is in compliance with Decision No.
6 68961 with the exception of the filing of the APP for the Copper Basin WWTP.

7 4. Johnson Utilities states that on September 3, 2008, it requested an extension of the
8 compliance deadline for filing the APP for the Copper Basin WRP until October 25, 2009 so that
9 the filing date would be consistent with the applicable filing dates in Decisions 68235 and 68237
10 (as they were extended). At that time Johnson cited unexpected delays due to title problems
11 associated with the proposed plant site property. Johnson Utilities further states that it does not
12 appear that the Commission took any action on its request. Johnson also states that it requested an
13 additional extension in a letter dated September 15, 2009, citing a general market slowdown.

14 5. On June, 23 2011, Johnson Utilities filed a Renewed Petition to Amend Decision No.
15 68961 pursuant to A.R.S. § 40-252 to eliminate the requirement that Johnson Utilities file with
16 Docket Control within 24 months of the issuance of Decision No. 68961, the APP issued by
17 ADEQ for the Copper Basin WWTP, or alternatively, extend the deadline for submission to no
18 earlier than December 31, 2016.

19 6. Johnson Utilities states that the severe economic downturn in the Arizona real estate
20 market has delayed the start of many planned residential developments, including Silverado Ranch
21 and Skyline View Estates, and as a result, the Copper Basin WWTP will not be needed for over
22 five years. In addition, according to the Company's filings, ADEQ requires that construction
23 commence within one year of the issuance of an APP, and that it would not be in the best interest
24 of the Company to finish the process of obtaining the APP when construction of the Copper Basin
25 WWTP would not begin before the permit would expire.

26 7. On October 26, 2011, the Commission provided notice and opportunity to be heard on
27 Johnson Utilities § 40-252 Petition. Upon due consideration of the matter, the Commission hereby
28 modifies Decision No. 68961 to eliminate the requirement that Johnson Utilities file with Docket

1 Control within 24 months of the issuance of Decision No. 68961, the Aquifer Protection Permit
2 issued by ADEQ for the Copper Basin Regional Wastewater Treatment Facility.

3 **CONCLUSIONS OF LAW**

4 1. Johnson Utilities is a public service corporation within the meaning of Article XV of the
5 Arizona Constitution and A.R.S. § 40-281 *et seq.*

6 2. The Commission has jurisdiction over Johnson Utilities and the subject matter of the
7 application.

8 **ORDER**

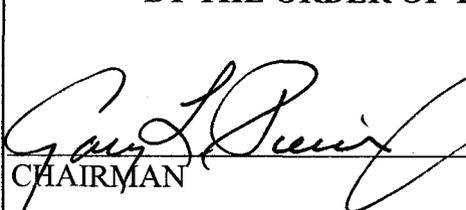
9 IT IS ORDERED that Decision No. 68961 is amended to remove the requirement
10 contained in Ordering Paragraph 6 that Johnson Utilities file with Docket Control within 24
11 months of the issuance of Decision No. 68961 the Aquifer Protection Permit for the Copper Basin
12 Regional Wastewater Treatment facility.

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1 IT IS FURTHER ORDERED that all other requirements in Decision No. 68961 shall
2 remain in effect.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.
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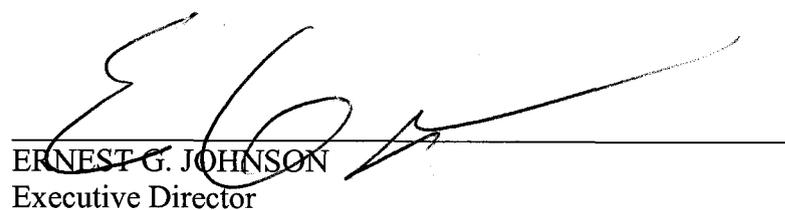
5 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

		Commissioner Kennedy Absentia
CHAIRMAN	COMMISSIONER	COMMISSIONER

	
COMMISSIONER	COMMISSIONER

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IN WITNESS WHEREOF, I ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of
this Commission to be affixed at the Capitol, in the City of
Phoenix, this 3rd day of
November, 2011.


ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

MAS:bc

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2 DOCKET NO. WS-02987A-05-0695

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