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BEFORE THE ARIZONA CORPORATION COMMISSION

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 nr

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-05-0088

DECISION NO. 72663

ORDER AMENDING
DECISION NO. 68235

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 request with the Arizona Corporation Commission ("Commission") to amend Decision No. 68235 to either remove the requirement that the Company file within 365 days a copy of the aquifer protection permit ("APP") issued by the Arizona Department of Environmental Quality ("ADEQ") for the Copper Basin regional water reclamation plant ("Copper Basin WRP"), 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. 68235, entered on October 25, 2005, conditionally granted Johnson Utilities application for an extension of its certificate of convenience and necessity ("CC&N") to include the Quail Run development (approximately 351 residential lots).

2. A condition in Decision No. 68235 required Johnson to file as a compliance item within 365 days of the decision, a copy of the APP issued by ADEQ for the Copper Basin WRP.

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1 3. The Copper Basin WRP 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. Copper Basin encompasses the Quail Run development and is matched to
4 projected development and population densities.

5 4. Johnson Utilities states that it filed a request for a one year extension for filing a copy of
6 the APP for the planned Copper Basin WRP in September, 2006, to be consistent with the same
7 compliance item in Decision No. 68237. The Company states that it does not appear that the
8 Commission acted upon the Company's request for a one year extension. Johnson Utilities states
9 that it requested an additional two year extension on October 4, 2007 because of unexpected delays
10 due to title problems associated with the proposed plant site property. On December 27, 2007, the
11 Company also filed a Notice of Filing and Request for Order to Release and Extend Certain
12 Compliance Requirements of Decision No. 68235. The Commission approved the requested
13 extension of the compliance date in Decision No. 70411 to October 25, 2009. On September 14,
14 2009, Johnson Utilities requested an additional extension of the compliance deadline for filing the
15 APP for the Copper Basin WRP citing a general market slowdown.

16 5. On June 23, 2011, Johnson Utilities filed a Renewed Petition to Amend Decision 68235
17 pursuant to A.R.S. § 40-252 seeking to eliminate the requirement to file within 365 days of the
18 Decision the APP for the Copper Basin WRP, or alternatively, to extend the filing requirement to
19 no earlier than December 31, 2016.

20 6. Johnson Utilities again states that the severe economic downturn in the Arizona real estate
21 market has delayed the start of many planned residential developments, including Quail Run, and
22 as a result, the Copper Basin WRP will not be needed for over five years. The Company also
23 stated in its filings that ADEQ requires construction commence within one year of the issuance of
24 an APP, and that it would not be in the best interest of the Company to finish the process of
25 obtaining the APP when construction of the Copper Basin WRP would not begin before the permit
26 would expire.

27 7. On October 26, 2011, the Commission provided notice and opportunity to be heard on
28 Johnson Utilities 40-252 Petition. Upon due consideration of the matter, the Commission hereby

1 modifies Decision No. 68235 to eliminate the requirement that Johnson Utilities file with Docket
2 Control within 365 days of the issuance of Decision No. 68235, the Unified (Aquifer Protection)
3 Water Quality Permits issued by ADEQ for the Copper Basin Regional Wastewater Treatment
4 Facility.

5 **CONCLUSIONS OF LAW**

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

8 2. The Commission has jurisdiction over Johnson Utilities and the subject matter of the
9 application.

10 **ORDER**

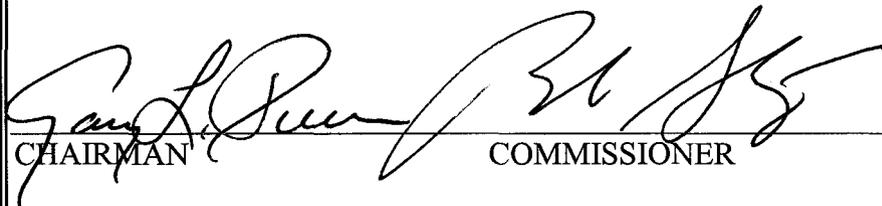
11 IT IS ORDERED that Decision No. 68235 is amended to remove the requirement
12 contained in Ordering Paragraph 4 that the Company file with Docket Control within 365 days of
13 Decision No. 68235, as a compliance item, the Unified (Aquifer Protection) Water Quality Permits
14 issued by ADEQ for the Copper Basin Regional Wastewater Treatment Facility.

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1 IT IS FURTHER ORDERED that all other requirements in Decision No. 68235 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**

6 
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8 CHAIRMAN

Commissioner Kennedy
Absentia

COMMISSIONER

COMMISSIONER

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11 COMMISSIONER


COMMISSIONER

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

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21 
22 ERNEST G. JOHNSON
Executive Director

23
24 DISSENT: _____

25 DISSENT: _____

26 MAS:bc
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1 SERVICE LIST FOR:
2 DOCKET NO. WS-02987A-05-0088

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