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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

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DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF) DOCKET NO. W-20589A-08-0173
RIDGELINE WATER COMPANY, L.L.C. FOR A)
CERTIFICATE OF CONVENIENCE AND) MOTION FOR EXTENSION OF
NECESSITY.) COMPLIANCE FILING DATE
) DEADLINE

I.

MOTION FOR EXTENSION OF COMPLIANCE

FILING DATE DEADLINE

Pursuant to A.A.C. Rule R14-3-106(K), Ridgeline Water Company, L.L.C. ("Ridgeline") hereby requests that the Commission enter an appropriate form of order or decision extending from February 12, 2012 to February 12, 2014 the deadline by which Ridgeline is required to file an Approval To Construct ("ATC") from the Pima Department of Environmental Quality ("PCDEQ") for the water facilities needed to provide that water service which was the subject of the Order Preliminary granted to Ridgeline in Decision No. 70748, in light of the circumstances discussed in Section II below.

II.

CIRCUMSTANCES SURROUNDING MOTION

On February 12, 2008 the Commission issued Decision No. 70748 by means of which it granted an Order Preliminary to Ridgeline incident to Ridgeline's request for Commission authorization to provide water service to and within a subdivision to be developed in an unincorporated area in Pima County, Arizona. The subdivision is known as Ridgeline Estates;

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

1 and, when fully developed, it will consider of 136 single family homes on 4 to 5 acre sized lots.
2 Pollux Properties, L.L.C. ("Pollux") is the developer of Ridgeline Estates.

3 Decision No. 70748 contained six (6) compliance conditions which Ridgeline had to
4 satisfy before it would be in a position to file a motion with the Commission requesting issuance
5 of a certificate of convenience and necessity authorizing Ridgeline to provide water service to
6 Ridgeline Estates. These compliance conditions were set forth at the Second through Sixth and
7 Twenty-Third Ordering Paragraphs of Decision No. 70748. As of this juncture, Ridgeline has
8 timely satisfied five (5) of these six (6) compliance conditions. That compliance condition
9 which has not been satisfied to date was set forth in the Third Ordering Paragraph of Decision
10 No. 70748, and it required that Ridgeline file with the Commission's Docket Control no later
11 than February 12, 2012 a copy of an ATC for the water facilities of Ridgeline Estates, as issued
12 by PCDEQ.

13 Like hundreds of real estate development projects throughout the State of Arizona, the
14 developers of the Ridgeline Estates community have been delayed in proceeding with their
15 original timeline for development by the sustained depressing effects of the 2008 financial crisis
16 and the subsequent years of economic recession and stagnation. At the time of issuance of
17 Decision No. 70748, only six (6) weeks into 2009, what lay ahead for the economy as a whole,
18 and the homebuilding industry in particular, was not foreseeable.

19 Despite the ensuing challenges of a depressed economy, the developers of Ridgeline
20 Estates have continued their efforts to move the project forward, consistent with the surrounding
21 economic climate. In that regard, in late 2010, Pollux and Trico Electric Cooperative, Inc. were
22 able to obtain an easement from the Arizona State Land Department ("ASLD") which will allow
23 for the location of underground utility facilities to service Ridgeline Estates. In addition, Pollux
24 has been working with ASLD during the past two (2) years to acquire an Ingress and Egress
25 Easement for Ridgeline Estates. Approval has been obtained for alignment of the easement, and
26 ASLD's land appraisal personnel currently are in the process of establishing a valuation based
27
28

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

1 upon comparable sales information. As of this juncture, it is anticipated that the proposed
2 easement will go to public auction in early 2012, with Pollux likely to be the only bidder.

3 In connection with the foregoing, attached hereto as Appendix "A" and incorporated
4 herein by this reference is a copy of a letter from Pollux to undersigned counsel indicating (i)
5 Pollux' continued plan to develop Ridgeline Estates as soon as market conditions allow, and (ii)
6 confirming Pollux's desire that Ridgeline be the provider of water service to and within
7 Ridgeline Estates.

8 **III.**

9 **REQUEST FOR RELIEF**

10 Accordingly, by means of this Motion, Ridgeline hereby requests that the Commission
11 enter an appropriate order or decision extending the deadline date for filing an ATC from
12 PCDEQ for the water system facilities necessary to provide water service to and within
13 Ridgeline Estates from February 12, 2012 to February 12, 2014.

14
15 Dated this 1st day of December 2011.

16 Respectfully submitted,

17 

18 Lawrence V. Robertson, Jr.
19 Of Counsel to Munger Chadwick, P.L.C.
20 Attorney for Ridgeline Water Company, L.L.C.

21
22 The original and thirteen (13) copies of the
23 foregoing Motion will be mailed this same date to:

24 Docket Control
25 Arizona Corporation Commission
26 1200 West Washington
27 Phoenix, Arizona 85007

28 A copy of the foregoing Motion
will also be sent by email or first class mail to:

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

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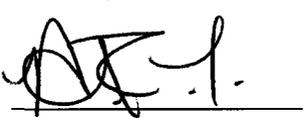
Lyn A. Farmer
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Steven M. Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Janice Alward, Chief Legal Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Kimberly D. Battista, Chief
Compliance & Enforcement
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Ridgeline Water Company LLC
2509 N. Campbell Ave # 427
Tucson, AZ 85719



Appendix “A”

to

Motion for Extension of Compliance Filing Date Deadline

Ridgeline Water Company, L.L.C.
Docket No. W-20589A-08-0173
December 1, 2011

Lawrence V. Robertson, Jr.
P. O. Box 1448
Tubac, Arizona 85646

Re: Ridgeline Water Company, L.L.C.
Docket No. W-20589A-08-0173
Motion for Extension of Compliance Filing Date Deadline

Dear Mr. Robertson,

This letter is submitted in support of a Motion for Extension of Compliance Filing Date Deadline ("Motion") which Pollux Properties, L.L.C. ("Pollux") understands Ridgeline Water Company, L.L.C. ("Ridgeline") intends to file in Arizona Corporation Commission Docket No. W-20589A-08-0173. In that regard, and as you are aware, Pollux is the developer of the Ridgeline Estates Subdivision to which Ridgeline will be providing water service.

As the Motion will indicate, despite the 2008 financial crisis and subsequent years of economic recession and stagnation, Pollux has continued to move forward with its plans for development of Ridgeline Estates. In that regard, it is Pollux's ongoing intention to complete development of that residential community as soon as the surrounding economic climate will allow Pollux to do so.

In addition, Pollux continues to desire that Ridgeline be the provider of water service to and within Ridgeline Estates. It is Pollux's understanding that Ridgeline has also exerted its best efforts to move things forward upon the part of Ridgeline, and Pollux is appreciative of Ridgeline's efforts in that regard.

Please advise me if you require any further information from Pollux in support of Ridgeline's Motion.

Sincerely,



Jeffrey S. Utsch
Pollux Properties, LLC