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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

GARY PIERCE - Chairman  
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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 19 2011

DOCKETED BY

IN THE MATTER OF THE FORMAL  
COMPLAINT OF SPARTAN HOMES AND  
CONSTRUCTION, INC.,

COMPLAINANT,

vs.

FAR WEST WATER AND SEWER, INC.,

RESPONDENT.

DOCKET NO. WS-03478A-08-0256

NOTICE OF NON-COMPLIANCE  
WITH DECISION 72594  
AND  
REQUEST FOR ORDER TO SHOW  
CAUSE

BROWNSTEIN HYATT FARBER SCHRECK, LLP, A LAW CORPORATION  
One East Washington Street, Suite 2400  
Phoenix, AZ 85004  
602.382.4040

On September 15, 2011, the Arizona Corporation Commission ("Commission") entered Decision 72594 in the above-captioned formal complaint docket. Pursuant to this decision, Far West Water and Sewer, Inc. ("Far West") was ordered to comply with the following ordering paragraphs by December 14, 2011:

IT IS FURTHER ORDERED that Far West Water and Sewer, Inc. shall, within 90 days of the effective date of this Decision, file with the Commission a sewer CC&N extension application encompassing the entire Spartan Property.

IT IS FURTHER ORDERED that Far West Water and Sewer, Inc. shall pay the amount of \$154,180 to Spartan Homes & Construction, Inc. within 90 days after the effective date of this Decision unless they reach an agreement as to a later payment date.

IT IS FURTHER ORDERED that Far West Water and Sewer, Inc. shall file with the Commission, within 90 days of the effective date of this Decision, an application for approval of a Sewer main extension tariff, pursuant to A.A.C. R14-2-606, for Commission approval.

As of the date of this filing, Far West has failed to file an application to extend its sewer CC&N to include the property owned by Spartan Homes and Construction, Inc. ("Spartan") as ordered in Decision 72594. Thus, Far West is out of compliance with this requirement of

1 Decision 72594.

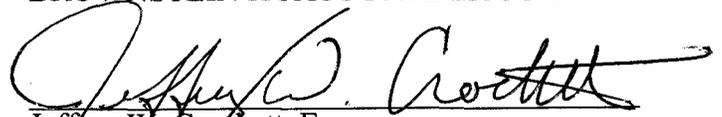
2 Likewise, as of the date of this filing, Far West has not paid Spartan the \$154,180 refund  
3 that was ordered in Decision 72594, nor has Far West made any arrangement with Spartan for a  
4 later payment date. Thus, Far West is out of compliance with this requirement of Decision  
5 72594.

6 Finally, as of the date of this filing, Far West has failed to file a sewer main extension  
7 tariff as ordered in Decision 72594. Thus, Far West is out of compliance with this requirement of  
8 Decision 72594.

9 Spartan requests that the Commission issue an order to show cause why Far West should  
10 not be found in violation of Decision 72594. As part of such proceeding, Spartan requests that  
11 the Commission consider appropriate fines and penalties, including the payment of interest to  
12 Spartan on the unpaid \$154,180 refund at the statutory rate.

13 RESPECTFULLY submitted this 19<sup>th</sup> day of December, 2011.

14 BROWNSTEIN HYATT FARBER SCHRECK LLP

15 

16 Jeffrey W. Crockett, Esq.  
17 One East Washington Street, Suite 2400  
18 Phoenix, Arizona 85004  
Attorneys for Spartan Homes and Construction, Inc.

19 ORIGINAL and thirteen (13) copies filed  
20 this 19<sup>th</sup> day of December, 2011, with:

21 Docket Control  
22 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

23 COPY of the foregoing hand-delivered  
24 this 19<sup>th</sup> day of December, 2011, to:

25 Belinda A. Martin, Administrative Law Judge  
26 Hearing Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
27 Phoenix, Arizona 85007  
28

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4 Steve Olea, Director  
Utilities Division  
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6 Phoenix, Arizona 85007

7 Copy of the foregoing mailed  
this 19<sup>th</sup> day of December, 2011, to:

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