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2 3003 N. Central Ave.
Suite 2600
3 Phoenix, Arizona 85012
4 Attorneys for Perkins Mountain Utility Company and
Perkins Mountain Water Company

6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8 IN THE MATTER OF THE
APPLICATION OF PERKINS
9 MOUNTAIN UTILITY COMPANY FOR
A CERTIFICATE OF CONVENIENCE
10 AND NECESSITY.

DOCKET NO: SW-20379A-05-0489

11 IN THE MATTER OF THE
12 APPLICATION OF PERKINS
MOUNTAIN WATER COMPANY FOR A
13 CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO: W-20380A-05-0490

Arizona Corporation Commission

DOCKETED

14 **MOTION FOR EXTENSION OF TIME
TO COMPLY WITH DECISION NO.
15 70663**

FEB - 9 2012

DOCKETED BY

16 Perkins Mountain Utility Company ("PMUC") and Perkins Mountain Water
17 Company ("PMWC") hereby file this Motion for Extension of Time to Comply with
18 Decision No. 70663 (December 24, 2008)("Order").

20 **BACKGROUND**

21 In its Order, the Arizona Corporation Commission ("Commission") approved
22 PMWC application for a Certificate of Convenience and Necessity ("CC&N") to provide
23 water utility service to The Villages at White Hills and Golden Valley South
24 developments in Mohave County owned by Rhodes Homes Arizona, LLC ("Rhodes
25 Homes"). The Commission also approved PMUC's application for a CC&N to provide
26 wastewater utility service to these same two developments.

1 The CC&Ns were granted subject to the following outstanding conditions¹:

- 2 1. PMWC shall file, no later than three years after the effective date of the
3 Order, copies of the Approval to Construct for Phase 1 of the initial phases
4 of the Golden Valley South and The Villages at White Hills developments,
5 respectively;
- 6 2. PMWC shall file, no later than three years after the effective date of the
7 Order, a copy of the developer's Arizona Department of Water Resources
8 Letter of Adequate Water Supply for each of the individual subdivisions in
9 the Golden Valley South and The Villages at White Hills developments;
- 10 3. PMUC shall file, no later than three years after the effective date of the
11 Order, copies of the General Permits for Phase 1 of the initial phase of
12 Golden Valley South and The Villages at White Hills developments;
- 13 4. PMUC shall file, no later than three years after the effective date of the
14 Order, copies of the Aquifer Protection Permit for the Golden Valley South
15 and The Villages at White Hills developments.

16 The legal descriptions for these CC&Ns were included in Exhibits A and B of the
17 Order. In addition to the water and wastewater CC&Ns granted to PMWC and PMUC
18 respectively, the Commission also issued an Order Preliminary, pursuant to A.R.S. § 40-
19 282(D), for the property located within the two developments but owned by a 3rd party,
20 Sports Entertainment, LLC ("Sports Entertainment"), as well as one particular parcel
21 located within the Golden Valley South development. The properties subject to the Order
22 Preliminary were included in Exhibits C and D of the Order respectively. The Order
23 Preliminary further required that:

- 24 1. PMWC file, no later than three years following the effective date of the

25 ¹ Several other conditions have been met. See Memo of Partial Compliance dated August 25,
26 2009. Other conditions are not triggered until PMWC and PMUC begin providing service.

- 1 Order, a copy of ADWR's Analysis of Adequate Water Supply for the areas
2 included in Exhibits C and D thereto;
- 3 2. PMUC file, no later than three years following the effective date of the
4 Order, an Aquifer Protection Permit for the areas included in Exhibits C and
5 D thereto; and
- 6 3. PMWC and PMUC jointly file, no later than three years following the
7 effective date of the Order, a joint motion requesting that the Commission
8 grant the final CC&Ns for the areas described in Exhibits C and D thereto.

9 For purposes of this Motion for Extension of Time to Comply with Decision No.
10 70663, attached hereto as Exhibits A, B, C and D respectively are the legal descriptions
11 contained in Decision No. 70663. The deadline to comply with all the above compliance
12 matters was December 24, 2011.²

13 **REQUESTED RELIEF**

14 The planned Golden Valley South development covers over 5,000 acres located
15 approximately five miles southeast of Kingman Arizona, and is expected to include more
16 than 33,000 dwellings at full build out. Likewise, The Villages at White Hills is located
17 on 2,727 acres situated along U.S. Highway 93, approximately 29 miles south of Hoover
18 Dam. It is anticipated that the Villages at White Hills will include more than 20,000
19 dwelling units and a commercial area. Open spaces, including a golf course, will
20 eventually be irrigated with reclaimed water from a regional wastewater reclamation plant.

21 Due to the severe downturn in the housing market, none of the areas described in
22 Exhibits A, B, C or D have yet to be developed. It has come to PMWC and PMUC's
23

24 ² Since the Order was first issued, the owner of PMWC and PMUC (Utilities Inc.) has changed
25 local counsel and did not receive the Notice of Future Compliance until after the December 24,
26 2011 deadline to comply with the conditions highlighted herein. PMWC and PMUC understands
the need to timely file motions requesting extension of the deadlines, and moved as quickly as
possible to file this Motion once the Commission's notice was received from prior counsel.

1 attention that the property located in Exhibit C, previously owned by Sports
2 Entertainment, LLC, was lost to foreclosure and has reverted back to the original owner.
3 Contact has been made with representatives of the present owner, and PMWC and PMUC
4 are still waiting for a request. However, Rhodes Homes Arizona, LLC still plans to move
5 forward with development in the near future, and because his properties represent a
6 majority of land located within the CC&N, and the companies can no longer wait to make
7 this filing. A letter requesting the extension of water and wastewater utility service from
8 this developer is included as Attachment 1. PMWC and PMUC believe that an extension
9 of the December 24, 2011 deadline to December 24, 2016 (five years) – as they pertain to
10 the areas located in Exhibits A, B and D – will provide all parties the requisite time to
11 obtain the permits and other government approvals necessary to move forward with
12 development in Mohave County. Therefore, PMWC and PMUC respectfully request that
13 the Commission grant an extension of time to comply with Decision No. 70663 to
14 December 24, 2016, for the areas identified in Exhibits A, B and D.

15 RESPECTFULLY SUBMITTED this 9th day of February, 2012.

16 FENNEMORE CRAIG, P.C.

17
18 By 

19 Patrick J. Black
20 3003 North Central Avenue
21 Suite 2600
22 Phoenix, Arizona 85012
23 Attorneys for Perkins Mountain Water
24 Company and Perkins Mountain Utility
25 Company
26

1 ORIGINAL and fifteen (13) copies of the
2 foregoing, were filed
3 this 9th day of February, 2012, to:

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington St.
6 Phoenix, AZ 85007

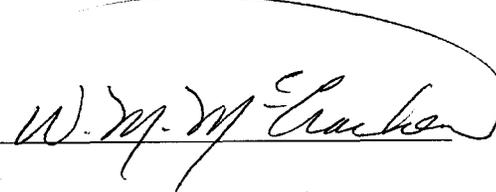
5 COPY hand delivered/mailed/emailed
6 this 9th day of February, 2012 to:

7 Janice Alward, Chief Counsel
8 Robin R. Mitchell, Staff Attorney
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington Street
12 Phoenix, Arizona 85007

10 Brian Bozzo, Compliance Manager
11 Utilities Division
12 ARIZONA CORPORATION COMMISSION
13 1200 West Washington Street
14 Phoenix, Arizona 85007

13 Carmel Hood
14 Compliance Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington Street
17 Phoenix, Arizona 85007

16 John Rhodes
17 Rhodes Homes Arizona, LLC
18 4730 S. Ft. Apache Road, Suite 300
19 Las Vegas, Nevada 89147

19
20 By: 
21

22 6741441

23

24

25

26

ATTACHMENT 1

January 10, 2012

Mr. Don Sudduth
Perkins Mountain Water Company
Perkins Mountain Utilities Company
2335 Sanders Road
Northbrook, IL 60062

Re: Extension of Water and Wastewater Utility Service
Mohave County, Arizona

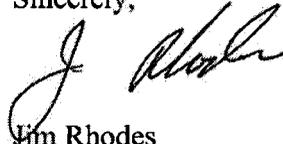
Dear Mr. Sudduth:

I am writing on behalf of Rhodes Homes Arizona, LLC ("Rhodes") to request an extension of water and wastewater utility service to the planned Golden Valley South and The Villages at White Hills developments located in Mohave County, Arizona. Full legal descriptions of the requested areas are enclosed herein at Attachment 1.

These two major development projects were included in CC&Ns granted to Perkins Mountain in 2008. I understand that certain compliance conditions were placed on the utilities, such as the filing of developers' ADWR letters of adequate water supply, as well as an Aquifer Protection Permit for the wastewater treatment facility. I also understand that the deadline for these compliance filings has recently passed. Unfortunately, due to the severe downturn in the housing market, Rhodes decided in early 2009 to halt development of the initial phases of the two subdivisions until such time that market conditions are more favorable. Nonetheless, we are confident that the demand for housing in Mohave County will return as economic conditions improve, necessitating the need for water and wastewater utility service once housing construction begins.

Therefore, Rhodes reiterates its request to Perkins Mountain for water and wastewater utility service for the areas identified in Attachment 1, and believes that an extension of time from between 3 to 5 years to obtain the required permits and other governmental approvals to move these projects forward is merited.

Sincerely,



Jim Rhodes
Rhodes Homes Arizona, LLC

EXHIBIT A

EXHIBIT A

WHITE HILLS CC&N
LEGAL DESCRIPTION
 Revised 4-25-08

TOWNSHIP 27 NORTH, RANGE 20 WEST, G. & S.R.M., MOHAVE COUNTY, AZ

SECTION 16; EXCEPT THE NW¼ OF THE NE¼, & THE E½ OF THE NE¼;

THE W½ OF THE W½ OF SECTION 17;

SECTION 20;

SECTION 21, EXCEPT THE SW¼, & THE S½ SW¼ OF THE NW¼;

SECTION 23, EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23; THENCE NORTH 89°37'39" WEST, 26.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 41°25'03" EAST, 35.78 FEET; THENCE SOUTH 48°34'57" WEST, 599.97 FEET; THENCE NORTH 41°25'03" WEST, 572.03 FEET; THENCE SOUTH 89°37'39" EAST, 804.69 FEET TO THE POINT OF BEGINNING;

A PORTION OF SECTION 30 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 30; THENCE SOUTH 00°20'39" WEST, ALONG THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 2,643.00 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 30; THENCE SOUTH 00°23'02" WEST, CONTINUING ALONG THE EAST LINE OF SAID SECTION 30, A DISTANCE OF 2,643.32 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE NORTH 89°35'14" WEST, ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 1,320.53 FEET; THENCE NORTH 00°21'33" EAST A DISTANCE OF 1,321.78 FEET; THENCE NORTH 89°34'57" WEST A DISTANCE OF 1,321.09 FEET; THENCE NORTH 00°21'05" EAST A DISTANCE OF 1,321.89 FEET; THENCE NORTH 89°34'40" WEST A DISTANCE OF 2,594.41 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 30; THENCE NORTH 00°28'34" EAST, ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 584.12 FEET; THENCE NORTH 68°00'04" EAST A DISTANCE OF 1,556.41 FEET; THENCE NORTH 21°59'56" WEST A DISTANCE OF 522.91 FEET TO A POINT ON THE CENTERLINE OF WHITE HILLS ROAD; THENCE NORTH 68°00'04" EAST, ALONG THE CENTERLINE OF WHITE HILLS ROAD, A DISTANCE OF 792.50 FEET; THENCE SOUTH 21°59'56" EAST A DISTANCE OF 1,045.32 FEET; THENCE NORTH 68°00'04" EAST A DISTANCE OF 792.50 FEET; THENCE NORTH 21°59'56" WEST A DISTANCE OF 522.91 FEET; THENCE NORTH 68°00'04" EAST A DISTANCE OF 2,255.01 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 30; THENCE SOUTH 89°37'46" EAST, ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 244.18 FEET TO THE POINT OF BEGINNING.

TOWNSHIP 27 NORTH, RANGE 21 WEST, G. & S.R.M., MOHAVE COUNTY, AZ

A PORTION OF THE E½ OF SECTION 25 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 25; THENCE SOUTH 00°28'58" WEST, ALONG THE EASTERLY LINE THEREOF, 2,643.95 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE¼); THENCE NORTH 89°33'42" WEST, ALONG THE SOUTHERLY LINE THEREOF, 164.23 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT; OF WHICH THE RADIUS POINT LIES SOUTH 74°14'59" WEST, A RADIAL DISTANCE OF 5,821.58 FEET, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 95; THENCE NORTHERLY ALONG THE ARC, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 07°34'58", A DISTANCE OF 770.46 FEET; THENCE NORTH 23°19'59" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 2,685.36 FEET TO THE CENTERLINE OF WHITE HILLS ROAD (O.R. 274/50-97); THENCE NORTH 68°20'45" EAST, ALONG SAID CENTERLINE, 1,632.40 FEET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION 25; THENCE SOUTH 00°28'34" WEST, ALONG SAID EASTERLY LINE, 1,151.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

EXHIBIT B

DOCKET NO. SW-20379A-05-0489 ET AL.

GOLDEN VALLEY SOUTH
CC & N BOUNDARY

LEGAL DESCRIPTION

[Revised 5-11-07]

TOWNSHIP 20 NORTH, RANGE 18 WEST, G. & S.R.M., MOHAVE COUNTY, AZ:

SECTION 2, EXCEPT THE W2 NW4 NW4 NE4 NE4, & THE SE4 SE4;

SECTION 3;

SECTION 4;

SECTION 8; EXCEPT THE W2 NW4 NW4 NE4, & COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8, THENCE SOUTH 89°35'26" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 8, A DISTANCE OF 56.87 FEET;

THENCE NORTH 00°24'34" EAST, A DISTANCE OF 57.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°16'25" EAST, A DISTANCE OF 2347.54 FEET,

THENCE SOUTH 89°43'35" EAST, A DISTANCE OF 5222.04 FEET,

THENCE SOUTH 00°12'30" WEST, A DISTANCE OF 653.72 FEET,

THENCE SOUTH 53°30'28" WEST, A DISTANCE OF 1123.72 FEET,

THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 1030.80 FEET,

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 1685.92 FEET,

THENCE NORTH 89°35'26" WEST, A DISTANCE OF 2641.60 FEET TO THE POINT OF BEGINNING;

SECTION 9;

SECTION 10;

SECTION 11, EXCEPT THE S2 SE4 SE4 SE4;

SECTION 14, EXCEPT THE E2 NE4, THE NE4 SE4, THE E2 W2 SE4 SE4, & THE E2 SE4 SE4;

SECTION 16;

TOWNSHIP 21 NORTH, RANGE 18 WEST, G. & S.R.M., MOHAVE COUNTY, AZ:

SW4 SECTION 34.

DECISION NO. 70663

EXHIBIT C

EXHIBIT C

ORDER PRELIMINARY

SPORTS ENTERTAINMENT PROPERTY

LEGAL DESCRIPTION

4-25-08

That portion of Section 30, Township 27 North, Range 20 West, G. & S.R. Meridian, Mohave County, Arizona described as follows:

BEGINNING at the Northwest Corner of said Section 30; THENCE South $00^{\circ}23'34''$ West, along the West Line of said Section 30, a distance of 2,059.98 feet; THENCE North $68^{\circ}00'04''$ East a distance of 1,556.41 feet; THENCE North $21^{\circ}59'56''$ West a distance of 522.91 feet to a point on the Centerline of White Hills Road; THENCE North $68^{\circ}00'04''$ East, along the Centerline of White Hills Road, a distance of 792.50 feet; THENCE South $21^{\circ}59'56''$ East a distance of 1,045.32 feet; THENCE North $68^{\circ}00'04''$ East a distance of 792.50 feet; THENCE North $21^{\circ}59'56''$ West a distance of 522.91 feet; THENCE North $68^{\circ}00'04''$ East a distance of 2,255.01 feet to a point on the North Line of said Section 30; THENCE North $89^{\circ}37'46''$ West, along the North Line of said Section 30, a distance of 2,399.57 feet; THENCE North $89^{\circ}30'01''$ West, continuing along the North Line of said Section 30, a distance of 2,587.80 to the POINT OF BEGINNING.

DECISION NO. 70663

EXHIBIT D

EXHIBIT D

DOCKET NO. SW-20379A-05-0489 ET AL.

GOLDEN VALLEY SOUTH
ORDER PRELIMINARY
LEGAL DESCRIPTION

THAT PORTION OF SECTION 8, TOWNSHIP 20 NORTH, RANGE 18 WEST OF THE GILA AND SALT RIVER BASE MERIDIAN, MOHAVE COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8, THENCE SOUTH 89°35'26" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 8, A DISTANCE OF 56.87 FEET;

THENCE NORTH 00°24'34" EAST, A DISTANCE OF 57.00 FEET TO THE POINT OF BEGINNING:

THENCE NORTH 00°16'25" EAST, A DISTANCE OF 2347.54 FEET;

THENCE SOUTH 89°43'35" EAST, A DISTANCE OF 5222.04 FEET;

THENCE SOUTH 00°12'30" WEST, A DISTANCE OF 653.72 FEET;

THENCE SOUTH 53°30'28" WEST, A DISTANCE OF 1123.72 FEET;

THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 1030.80 FEET;

THENCE NORTH 89°36'50" WEST, A DISTANCE OF 1685.92 FEET;

THENCE NORTH 89°35'26" WEST, A DISTANCE OF 2641.60 FEET TO THE POINT OF BEGINNING.

DECISION NO. 70663