

ORIGINAL

OPEN MEETING ITEM



0000137394

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



ARIZONA CORPORATION COMMISSION

RECEIVED

2012 JUN 11 A 9:06

DATE: JUNE 11, 2012
DOCKET NOS: W-03936A-11-0418 and W-03936A-12-0073

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Dwight D. Nodes. The recommendation has been filed in the form of an Order on:

EAGLETAIL WATER COMPANY, LLC.
(AMENDS DECISION NO. 73161
NUNC PRO TUNC)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

Company has waived the 10 days for filing of exceptions

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JUNE 19, 2012 and JUNE 20, 2012

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931

Arizona Corporation Commission

DOCKETED

JUN 11 2012

DOCKETED BY
[Signature] *[Signature]*

[Signature]
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE, Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 EAGLETAIL WATER COMPANY, L.L.C., FOR
10 A PERMANENT RATE INCREASE.

DOCKET NO. W-03936A-11-0418

11 IN THE MATTER OF THE APPLICATION OF
12 EAGLETAIL WATER COMPANY, L.L.C., FOR
13 APPROVAL OF A LONG-TERM LOAN AND
14 GRANT.

DOCKET NO. W-03936A-12-0073

DECISION NO. _____

**ORDER AMENDING DECISION NO.
73161 NUNC PRO TUNC**

15 Open Meeting
16 June 19 and 20, 2012
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Having considered the entire record herein and being fully advised in the premises, the
20 Arizona Corporation Commission (“Commission”) finds, concludes, and orders that:

21 **FINDINGS OF FACT**

22 1. On May 18, 2012, the Arizona Corporation Commission (“Commission”) issued
23 Decision No. 73161, in this matter granting Eagletail Water Company, L.L.C. (“Eagletail” or
24 “Company”) a rate increase, and approving the Company’s request for financing approval.

25 2. On June 8, 2012, the Commission’s Utilities Division (“Staff”) filed a Motion for an
26 Order Amending Decision No. 73161 *Nunc Pro Tunc* to correct two clerical errors contained in the
27 Decision.

28 3. Staff points out that the Order in Decision No. 73161, on pages 5 and 16, incorrectly
references the service charge for fire sprinklers rather than referring to Arizona Administrative Code
 (“A.A.C.”) R14-2-409(G).

CONCLUSIONS OF LAW

1
2 1. Eagletail is a public service corporation within the meaning of Article XV of the
3 Arizona Constitution and A.R.S. §§ 40-250, 40-251, 40-302, and 40-303.

4 2. The Commission has jurisdiction over the Company and the subject matter of the
5 applications.

6 3. Staff's request to amend Decision No. 73161 to correct two clerical errors is
7 reasonable and should be approved.

ORDER

8
9 IT IS THEREFORE ORDERED that Decision No. 73161 is hereby amended at page 5, lines
10 8.5 to 9.5, and page 16, lines 20 to 21, to delete the references to service charges to fire sprinklers and
11 to insert "Per Commission Rule A.A.C. R14-2-409(G)."

12 ...
13 ...
14 ...
15 ...
16 ...
17 ...
18 ...
19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 IT IS FURTHER ORDERED that in all other respects, Decision No. 73161 shall remain in
2 full force and effect.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5
6

7 CHAIRMAN _____ COMMISSIONER

8
9 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER

10
11 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
12 Executive Director of the Arizona Corporation Commission,
13 have hereunto set my hand and caused the official seal of the
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____, 2012.

16 _____
ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

17 DISSENT _____

18
19 DISSENT _____
20
21
22
23
24
25
26
27
28

1 SERVICE LIST FOR: EAGLETAIL WATER COMPANY, L.L.C.
2 DOCKET NOS.: W-03936A-11-0418 and W-03936A-12-0073

3
4 Susan Haas
5 EAGLETAIL WATER CO., L.L.C.
6 P.O. Box 157
7 Tonopah, AZ 85354

8 Janice Alward, Chief Counsel
9 Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 W. Washington Street
12 Phoenix, AZ 85007

13 Steven M. Olea, Director
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 W. Washington Street
17 Phoenix, AZ 85007

18
19
20
21
22
23
24
25
26
27
28