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BEFORE THE ARIZONA CORPORATION COMMISSION

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

Arizona Corporation Commission RECEIVED  
**DOCKETED** AZ CORP COMMISSION  
DOCKET CONTROL

JUN 11 2012 2012 JUN 11 AM 9 39

DOCKETED BY *JM*

IN THE MATTER OF THE APPLICATION OF  
DII-EMERALD SPRINGS, LLC FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE WASTEWATER SERVICES

DOCKET NO. WS-20794A-11-0140

IN THE MATTER OF THE APPLICATION OF  
DII-EMERALD SPRINGS, LLC FOR  
APPROVAL OF A RATE INCREASE

DOCKET NO. WS-20794A-11-0279

**STAFF'S RESPONSE TO PROCEDURAL  
ORDER**

On April 11, 2012, the Administrative Law Judge ("ALJ") assigned to this matter issued a Procedural Order ("Order") directing Intervenor Doyle Thompson to file in the docket, by May 10, 2012, a notice indicating one of the following: (1) that he has filed an application requesting a Certificate of Convenience and Necessity ("application") and the associated filing date and docket number; (2) that he will not be filing an application and an explanation for his decision; or (3) that he still intends to file an application and an explanation for the delay in filing. On May 29, 2012, Mr. Thompson docketed a notice stating that he had not yet filed an application, but that he still intended to do so. The notice indicated that Mr. Thompson had been concentrating on obtaining more detailed information regarding the total flows at his wastewater treatment plant. Subsequently, on June 7, 2012, Mr. Thompson filed an application with the Arizona Corporation Commission ("Commission"), Docket No. SW-20851A-12-0226.

The Order further directed that each party file in the docket, by June 11, 2012, a document providing an update of the party's position in this matter and the party's proposal for how this matter should proceed, including whether it should be consolidated with any application filed by Mr. Thompson. Pursuant to that Order, the Utilities Division ("Staff") hereby provides its response.

1 Staff concludes that the pending CC&N and rate applications of DII-Emerald Springs, LLC  
2 (“Company”) are now irrelevant since the Company is no longer providing utility service to any  
3 customer, nor is there any request for service from the only customer in the subject area. Therefore,  
4 Staff concludes that consolidation with Mr. Thompson’s application is neither appropriate nor  
5 necessary, and the ALJ may wish to consider the administrative closure of the Company’s dockets.

6 As Mr. Thompson is presently serving the only customer in the subject area (apparently, at  
7 that customer’s request), Staff recommends that his application be processed under the requirements  
8 as set forth in the Arizona Administrative Code. Staff further notes that it seems Mr. Thompson is  
9 currently operating as a public service corporation and, as such, he now has the obligation to serve  
10 and cannot discontinue utility service without permission of the Commission.

11 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of June 2012.

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15 Scott Helsa, Attorney  
16 Legal Division  
17 Arizona Corporation Commission  
18 1200 West Washington Street  
19 Phoenix, Arizona 85007  
20 (602) 542-3402

21 Original and thirteen (13) copies  
22 of the foregoing filed this  
23 11<sup>th</sup> day of June 2012 with:

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

28 Copy of the foregoing mailed this  
11<sup>th</sup> day of June 2012 to:

Mr. Henry Melendez  
DII-Emerald Springs, LLC  
212 East Rowland Street # 423  
Covina, California 91723

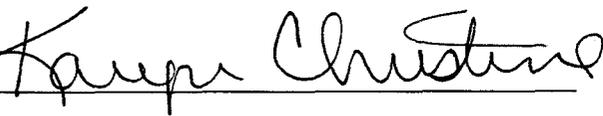
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3 1300 Joshua Avenue, Suite B  
4 Parker, Arizona 85344  
5 Attorney for Emerald Springs  
6 Homeowners' Association

7 Steve Wene, Esq.  
8 Moyes Sellers & Hendricks Ltd  
9 1850 North Central Avenue  
10 Suite 1100  
11 Phoenix, Arizona 85004

12 Courtesy Copy provided by mail to:

13 Dennis Price  
14 Post Office Box 1125  
15 Ehrenberg, Arizona 85334-1125

16 Doyle Thompson, Jr.  
17 c/o Copper State Mobile Home & RV Park  
18 48998 Sourdough Road  
19 Post Office Box 287  
20 Ehrenburg, Arizona 85334

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