

ORIGINAL

OPEN MEETING ITEM

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



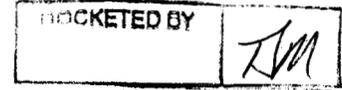
ARIZONA CORPORATION COMMISSION



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Arizona Corporation Commission
DOCKETED

JUL 03 2012



DATE: JULY 3, 2012

DOCKET NOS.: SW-20379A-05-0489 and W-20380A-05-0490

TO ALL PARTIES:

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

PERKINS MOUNTAIN UTILITY COMPANY and
PERKINS MOUNTAIN WATER COMPANY
(ORDER EXTENDING CONDITIONAL CC&N COMPLIANCE DEADLINES)

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 thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

JULY 12, 2012

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 Open Meeting to be held on:

JULY 18, 2012 AND JULY 19, 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.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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

DOCKET NO. SW-20379A-05-0489

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

DOCKET NO. W-20380A-05-0490

DECISION NO. _____

**ORDER EXTENDING
CONDITIONAL CC&N
COMPLIANCE DEADLINES**

Open Meeting
July 18 and 19, 2012
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

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

FINDINGS OF FACT

1. On December 24, 2008, the Commission issued Decision No. 70663.
2. Decision No. 70663 conditionally approved a water utility Certificate of Convenience and Necessity ("CC&N") for Perkins Mountain Water Company ("PMWC") to include areas described in Exhibit A and Exhibit B to the Decision.
3. Decision No. 70663 conditionally approved a wastewater utility CC&N for Perkins Mountain Utility Company ("PMUC") to include areas described in Exhibit A and Exhibit B to the Decision.
4. The CC&N granted to PMWC in Decision No. 70663 for the Exhibit A and B areas was conditioned upon PMWC filing, no later than December 24, 2011, copies of the Approval to

1 Construct ("ATC") for Phase 1 of the initial phase of the Golden Valley South and The Villages at
2 White Hills developments.

3 5. PMWC did not file the required copies of the ATC by December 24, 2011.

4 6. The CC&N granted to PMUC in Decision No. 70663 for the Exhibit A and B areas
5 was conditioned upon PMUC filing, no later than December 24, 2011, copies of the General Permits
6 for Phase 1 of the initial phase of the Golden Valley South and The Villages at White Hills
7 developments, and copies of the Aquifer Protection Permit ("APP") for the Golden Valley South and
8 The Villages at White Hills developments.

9 7. PMUC did not file the required copies of the General Permits or APP by December
10 24, 2011.

11 8. Decision No. 70663 granted to PMWC and PMUC, pursuant to A.R.S. § 40-282 (D),
12 Orders Preliminary to the issuance of the final Certificate of Convenience and Necessity for the areas
13 described in Exhibit C and D to the Decision.

14 9. The Order Preliminary for the Exhibit C area required PMWC to file, no later than
15 December 24, 2011, a copy of the developer's Arizona Department of Water Resources ("ADWR")
16 Analysis of Adequate Water Supply ("AAWS") demonstrating the availability of adequate water for
17 the area, and required PMUC to file, no later than December 24, 2011, an APP for the Exhibit C area.
18 The Order Preliminary for Exhibit C area ordered PMWC and PMUC to jointly file, upon completion
19 of the filing of the AAWS and APP, and no later than December 24, 2011, a motion in this docket
20 requesting that the Commission grant CC&Ns to PMWC and PMUC for the Exhibit C area.

21 10. Neither PMWC nor PMUC timely complied with the Order Preliminary requirements
22 for the Exhibit C area. PMWC did not timely file the AAWS, and PMUC did not timely file the
23 APP.

24 11. Decision No. 70663 ordered that, should PMWC and PMUC fail to timely comply
25 with the Order Preliminary requirements relating to the Exhibit C area, that the Order Preliminary
26 shall be null and void, and Staff shall file a memorandum to close the docket.

27 12. The Order Preliminary for Exhibit D area required PMWC to file, no later than
28 December 24, 2011, a copy of the developer's ADWR AAWS demonstrating the availability of

1 adequate water for the area, and required PMUC to file, no later than December 24, 2011, an APP
2 for the Exhibit D area. The Order Preliminary for Exhibit D area ordered PMWC and PMUC to
3 jointly file, upon completion of the filing of the AAWS and APP, and no later than December 24,
4 2011, a motion in this docket requesting that the Commission grant CC&Ns to PMWC and PMUC
5 for the Exhibit D area.

6 13. Neither PMWC nor PMUC timely complied with the Order Preliminary requirements
7 for the Exhibit D area. PMWC did not timely file the AAWS, and PMUC did not timely file the
8 APP.

9 14. Decision No. 70663 ordered that, should PMWC and PMUC fail to timely comply
10 with the Order Preliminary requirements relating to the Exhibit D area, that the Order Preliminary
11 shall be null and void, and Staff shall file a memorandum to close the docket.

12 15. On February 9, 2012, PMWC and PMUC filed a Motion for Extension of Time to
13 Comply with Decision No. 70663 ("Motion"). PMWC and PMUC request that the time period for
14 complying with the conditions to the CC&Ns for the Exhibit A, B and D areas be extended five
15 years, to December 24, 2016.

16 16. On June 8, 2012, Staff filed a Memorandum in response to the Motion. Staff states in
17 the Memorandum that an extension of time is possible for the CC&N conditions in the Exhibit A and
18 B areas. Staff states that it does not object to an extension of time for the Exhibit A and B areas, but
19 that considering the three year period originally granted by Decision No. 70663, Staff recommends
20 an extension of time to December 24, 2014.

21 17. Staff states in the Memorandum that no extension of time is possible for the Exhibit C
22 and D areas, for which an Order Preliminary was granted, because the Order Preliminary expired on
23 December 24, 2011. Staff recommends denial of the PMWC and PMUC request for an extension of
24 time for the Exhibit D area. Pursuant to Decision No. 70663, Staff recommends that this docket be
25 closed with respect to the Exhibit C and D areas.

26 18. The Order Preliminary granted by Decision No. 70663 for the areas delineated in
27 Exhibit C and Exhibit D to that Decision expired on December 24, 2011.

28 19. Staff's recommendations are reasonable and should be adopted.

CONCLUSIONS OF LAW

1
2 1. PMWC and PMUC are public service corporations within the meaning of Article XV of
3 the Arizona Constitution and A.R.S. §§ 40-250 and 40-251.

4 2. The Commission has jurisdiction over the PMWC and PMUC and the subject matter of
5 this proceeding.

6 3. It is reasonable and in the public interest to extend the time to comply with the conditional
7 CC&N requirements ordered by Decision No. 70663 until December 24, 2014.

8 4. The Order Preliminary granted by Decision No. 70663 for the areas delineated in Exhibit
9 C and Exhibit D to that Decision expired on December 24, 2011.

10 5. It is reasonable and in the public interest to close this docket to any additional filings or
11 determinations pertaining to the areas for which Decision No. 70663 granted an Order Preliminary.

12 **ORDER**

13 IT IS THEREFORE ORDERED that the compliance deadline set in Decision No. 70663 for
14 the areas delineated in Exhibit A and B to that Decision for the filing of copies of the Approval to
15 Construct for Phase 1 of the initial phase of the Golden Valley South and The Villages at White Hills
16 developments is hereby extended to December 24, 2014.

17 IT IS FURTHER ORDERED that the compliance deadline set in Decision No. 70663 for the
18 areas delineated in Exhibit A and B to that Decision for the filing of copies of the General Permits for
19 Phase 1 of the initial phase of the Golden Valley South and The Villages at White Hills developments
20 is hereby extended to December 24, 2014.

21 IT IS FURTHER ORDERED that the compliance deadline set in Decision No. 70663 for the
22 areas delineated in Exhibit A and B to that Decision for the filing of copies of the Aquifer Protection
23 Permit for the Golden Valley South and The Villages at White Hills developments is hereby extended
24 to December 24, 2014.

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1 IT IS FURTHER ORDERED that with respect to the areas delineated in Exhibit C and
2 Exhibit D to Decision No. 70663, the Order Preliminary has expired and no further filings or
3 determinations shall be made in this docket. If Perkins Mountain Water Company or Perkins
4 Mountain Utility Company wish to obtain Certificates of Convenience and Necessity for those areas,
5 they may file new applications in new dockets.

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

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

8
9
10 CHAIRMAN

COMMISSIONER

11
12 COMMISSIONER

COMMISSIONER

COMMISSIONER

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

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20 _____
21 ERNEST G. JOHNSON
22 EXECUTIVE DIRECTOR

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SERVICE LIST FOR:

PERKINS MOUNTAIN UTILITY COMPANY and
PERKINS MOUNTAIN WATER COMPANY

DOCKET NOS.:

SW-20379A-05-0489 and W-20380A-05-0490

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