

ORIGINAL

OPEN MEETING ITEM



COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



ARIZONA CORPORATION COMMISSION

DATE: APRIL 16, 2013
DOCKET NOS.: SW-03575A-06-0545 AND W-03576A-06-0545
TO ALL PARTIES:

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

**GLOBAL WATER-PALO VERDE UTILITIES COMPANY AND
GOLBAL WATER-SANTA CRUZ WATER COMPANY
(EXTENSION OF TIME DEADLINE CONTAINED
IN DECISION NOS. 70381, 71263, 71631 AND 72009)**

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:

APRIL 25, 2013

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:

MAY 1, 2013 AND MAY 2, 2013

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.

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SBernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 BOB STUMP – Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE JOINT
9 APPLICATION OF GLOBAL WATER-PALO
10 VERDE UTILITIES COMPANY AND
11 GLOBAL WATER-SANTA CRUZ WATER
12 COMPANY, FOR AN EXTENSION OF
13 THEIR RESPECTIVE CERTIFICATES OF
14 CONVENIENCE AND NECESSITY IN
15 PINAL COUNTY, ARIZONA

DOCKET NO. SW-03575A-06-0545
DOCKET NO. W-03576A-06-0545

DECISION NO. _____

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NOS. 70381, 71263, 71631,
AND 72009**

11 Open Meeting
12 May 1 and 2, 2013
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the
17 Commission finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On August 29, 2006, Global Water - Santa Cruz Water Company (“Global Water -
20 Santa Cruz”) and Global Water - Palo Verde Utilities Company (“Global Water - Palo Verde”)
21 (jointly “Global Utilities”) filed a joint application with the Arizona Corporation Commission
22 (“Commission”) seeking an extension of their respective Certificates of Convenience and Necessity
23 (“CC&Ns”) in Pinal County, Arizona.

24 2. On June 13, 2008, the Commission issued Decision No. 70381, approving the Global
25 Utilities’ joint application to extend their respective CC&Ns to include 13 square miles in Pinal
26 County, Arizona. The Decision required Global Water - Santa Cruz to file, among other things, the
27 Approval to Construct (“ATC”) for the first well, storage facility, and distribution system for Phase I
28 development in the Northwest Zone of the extension area by June 30, 2009.

1 3. On June 30, 2009, Global Utilities filed a motion for an extension of time, until June
2 30, 2010, for Global Water - Santa Cruz to file the ATC for the first well, storage facility, and
3 distribution system for Phase 1 development in the Northwest Zone.

4 4. In Commission Decision No. 71263 (September 3, 2009), the Commission approved
5 Global Water - Santa Cruz' request for an extension of time, until June 30, 2010, to file the ATC for
6 the first well, storage facility, and distribution system for Phase 1 development in the Northwest
7 Zone.

8 5. On December 31, 2009, Global Utilities filed a second request for an extension of
9 time, until December 31, 2012, to meet various compliance deadlines related to the Arizona
10 Department of Environmental Quality's ("ADEQ") Certificates of Approval of Construction
11 ("AOC") as set forth with Decision No. 70381.

12 6. On April 14, 2010, the Commission issued Decision No. 71631 which granted Global
13 Water - Palo Verde an extension of time, until December 31, 2012, to file the AOC for the sewer line
14 extension in the North Zone and to file the AOC for the lift station, force mains, and sewer lines in
15 the North West Zone. The Decision also granted Global Water- Santa Cruz an extension of time, until
16 December 31, 2012, to file the AOC for the remaining well in the extension area.

17 7. On June 16, 2010, Global Utilities filed a third motion for an extension of time, until
18 December 31, 2012, for Global Water- Santa Cruz to file the ATC for the first well, storage facility,
19 and distribution system for Phase 1 development in the Northwest Zone.

20 8. On December 10, 2010, the Commission issued Decision No. 72009 granting Global
21 Water- Santa Cruz an extension of time, until December 31, 2012, to file the ATC for the first well,
22 storage facility, and distribution system for Phase 1 development in the Northwest Zone as set forth in
23 Decision No. 70381.

24 9. On December 31, 2012, Global Utilities filed a fourth motion for an extension of time,
25 until December 15, 2015, for Global Water- Santa Cruz to file the ATC for the first well, storage
26 facility and distribution system for Phase 1 development in the Northwest Zone and AOC for the
27 remaining well pursuant to Decision No. 70381. Global Utilities' request also seeks an extension of
28 time, until December 15, 2015, for Global Water- Palo Verde to file a AOC for the sewer line

1 extension to the North Zone; AOC for the lift station, and force mains and sewer lines for the North
2 West Zone as required by Decision No. 70381.

3 10. Global Utilities' latest request states that the utilities have taken substantial steps to
4 meet the compliance requirements of the Decision; a number of AOCs have been filed between
5 August 8, 2008 and December 31, 2009; a Designation of Assured Water Supply for the extension
6 area has been issued; millions of dollars have been invested by the utilities; and that the ATC for this
7 area is not needed at this time and can be served by interconnecting the Northwest Zone with the
8 Southwest Zone.

9 11. Global Utilities' request states that development has proceeded in portions of the
10 extension area and that the utilities are currently serving two customers: 1) Legacy Charter School
11 and 2) Pinal County Community College District aka Central Arizona College. In addition, Global
12 Utilities states that various parcels in the extension area have line extension agreements or other
13 indications of development. However, Global Utilities states that due to the large number of parcels,
14 it is still working on obtaining requests for service from the current landowners.

15 12. On March 8, 2013, the Commission's Utilities Division ("Staff") filed a Memorandum
16 stating Staff does not object to Global Utilities' request for the extension of time, until December 31,
17 2015, to comply with Decision Nos. 70381, 71263, 71631, and 72009 for the following requirements:

- 18 a. ATC for the first well, storage facility;
- 19 b. AOC of the sewer line extension to the North Zone;
- 20 c. AOC for the lift station, force mains, and sewer lines in the North West Zone; and
- 21 d. AOC for the remaining well required by Decision No. 71631.

22 13. Staff's recommendations are reasonable, but should be modified to include the ATC
23 for the distribution system for Phase 1 development in the Northwest Zone of the extension area.

24 **CONCLUSIONS OF LAW**

25 1. Global Utilities are public service corporations within the meaning of Article XV of
26 the Arizona Constitution and A.R.S. §§40-281 and 40-282.

27 2. The Commission has jurisdiction over Global Utilities and the subject matter
28

1 IT IS FURTHER ORDERED that Global Water – Palo Verde and Global Water – Santa
2 Cruz’ request for an extension of time, until December 31, 2015, for Global Water- Palo Verde to file
3 the Approval of Construction for the sewer line extension to the North Zone; and Approval of
4 Construction for the lift station, force mains and sewer lines for the North West Zone pursuant to
5 Decision No. 70381 (June 13, 2008), is hereby granted.

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

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
8

9 CHAIRMAN _____ COMMISSIONER _____
10

11
12 COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____
13

14 IN WITNESS WHEREOF, I, JODI JERICH, Executive
15 Director of the Arizona Corporation Commission, have
16 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 _____, 2013.

19 _____
20 JODI JERICH
21 EXECUTIVE DIRECTOR

22 DISSENT _____
23

24 DISSENT _____
25
26
27
28

1 SERVICE LIST FOR: GLOBAL WATER – PALO VERDE UTILITIES
2 COMPANY AND GLOBAL WATER – SANTA CRUZ
WATER COMPANY

3 DOCKET NOS.: SW-03575A-06-0545 AND W-03576A-06-0545

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