

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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

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2013 APR 19 P 4:21 Arizona Corporation Commission
AZ CORP COMMISSION DOCKET CONTROL
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IN THE MATTER OF THE APPLICATION OF BLACK MOUNTAIN SEWER CORPORATION, AN ARIZONA CORPORATION, FOR A DETERMINATION OF THE FAIR VALUE OF ITS UTILITY PLANT AND PROPERTY AND FOR INCREASES IN ITS RATES AND CHARGES FOR UTILITY SERVICE BASED THEREON.

NO. DOCKET NO. SW-02361A-08-0609

JOINT FILING REGARDING STATUS OF SETTLEMENT DISCUSSIONS

Black Mountain Sewer Company ("BMSC"), The Boulders Homeowners' Association ("BHOA"), Wind P1 Mortgage Borrower, LLC dba The Boulders Resort ("Resort") and the Utilities Division of the Arizona Corporation Commission ("Staff"), by and through undersigned counsel, submit this Joint Filing Regarding Status of Settlement Discussions.

A Recommended Opinion and Order on this matter was scheduled for consideration at the Arizona Corporation Commission's ("Commission") April 9, 2013 Open Meeting. On April 4, 2013, Commissioner Pierce issued a letter asking the parties to meet to attempt to negotiate a settlement of this matter, and requesting that the item be pulled from the April 9, 2013 Open Meeting. The item subsequently was pulled from the agenda.

On April 16, 2013, representatives of BMSC, BHOA, the Resort and Staff, along with Mr. Robert Marshall (Mr. Marshall has made public comments in this docket, and has filed a lawsuit against BMSC related to the Treatment Plant) met at the offices of BMSC's counsel to discuss whether settlement of this matter was possible. Those

1 discussions did not result in a settlement agreement.

2 Dated this 19th day of April, 2013.

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25 UTILITIES DIVISION OF THE
26 ARIZONA CORPORATION COMMISSION

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26 ///

1 ORIGINAL and 13 copies filed
2 this 9th day of April, 2013 with:
3 Docket Control
4 Arizona Corporation Commission
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5 COPY of the foregoing hand-delivered
6 this 9th day of April, 2013, to:
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17 this 9th day of April, 2013 to:
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