

OPEN MEETING ITEM



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**COMMISSIONERS**  
BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH



ARIZONA CORPORATION COMMISSION

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DATE: SEPTEMBER 30, 2013

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKET NO.: W-01445A-06-0317

**ORIGINAL**

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:

ARIZONA WATER COMPANY  
(EXTENDING TIME DEADLINE CONTAINED IN  
DECISION NOS. 69386, 70950, AND 72373)

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:

OCTOBER 9, 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:

OCTOBER 16, 2013 and OCTOBER 17, 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.

Arizona Corporation Commission

**DOCKETED**

SEP 30 2013

DOCKETED BY 

  
JODI JERICH  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347  
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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 [SABernal@azcc.gov](mailto:SABernal@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 APPLICATION OF  
9 ARIZONA WATER COMPANY FOR AN  
10 EXTENSION OF ITS CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY AT  
12 COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-06-0317

DECISION NO. \_\_\_\_\_

**ORDER EXTENDING TIME**  
**DEADLINE CONTAINED IN**  
**DECISION NOS. 69386, 70950, AND**  
**72373**

11 Open Meeting  
12 October 16 and 17, 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 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. On March 22, 2007, the Arizona Corporation Commission ("Commission") issued  
20 Decision No. 69386, approving Arizona Water Company's ("AWC") application to extend its  
21 Certificate of Convenience and Necessity ("CC&N") to include approximately 21 square miles  
22 adjacent to its Coolidge System. The Decision required AWC, among other things, to comply with  
23 the following:

- 24 a. To file within one year of the Decision, a copy of the first Approval to  
25 Construct ("ATC") from the Arizona Department of Environmental  
26 Quality ("ADEQ") for the facilities needed to serve the requested area.
- 27 b. To file within one year of the Decision, a copy of the first developer's  
28 Certificate of Assured Water Supply ("CAWS") from the Department of  
Water Resources ("ADWR").

...

1           2.       On January 9, 2008, in compliance with Decision No. 69386, AWC filed a copy of the  
2 first ATC for the facilities needed to serve the extension area. In the same filing, AWC requested an  
3 extension of time, until March 22, 2009, to file a copy of the first developer's CAWS. By Procedural  
4 Order issued on March 4, 2008, AWC was granted an extension of time until March 22, 2009, to file  
5 the first developer's CAWS.

6           3.       On January 16, 2009, AWC filed a Request for Additional Time to Comply with  
7 Filing Requirements ("Second Request") set forth in Decision No. 69386. The Second Request  
8 sought to extend the compliance deadline to file a copy of the CAWS for the first developer, until  
9 March 22, 2011.

10          4.       On April 7, 2009, the Commission issued Decision No. 70950 approving AWC's  
11 Second Request, and extending the due date for the CAWS filing until March 22, 2011. At the time  
12 of the Second Request, Staff recommended that any additional requests for extensions of time to  
13 comply with Decision No. 69386, should include a strong showing that there is an imminent need for  
14 service for each section of land in the CC&N extension. In Decision No. 70950, the Commission  
15 determined that it would evaluate the specific facts and circumstances of any future requests for  
16 extension of time by AWC, and put AWC on notice that future requests must demonstrate that  
17 extraordinary circumstances exist to warrant granting additional time for compliance.

18          5.       On January 24, 2011, AWC filed a third request for an extension of time, seeking an  
19 additional two years, or until March 22, 2013, to file a copy of the CAWS from ADWR. The  
20 application stated that AWC is serving eight customers in the extension area and that the CAWS is  
21 the final required compliance item under Decision No. 69386. The Company further stated that its  
22 receipt of the physical availability demonstration from the ADWR, a precursor to the CAWS,  
23 demonstrates that the Company is moving toward total compliance. The Company also provided  
24 letters from developer updating the need for service from AWC and stated that any potential loss of  
25 the CC&N would harm the "slowly improving market."

26          6.       On May 27, 2011, the Commission issued Decision No. 72373, granting AWC's  
27 request for an extension of time, until March 22, 2013, to file a copy of the CAWS.

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IT IS FURTHER ORDERED that Arizona Water Company shall be on notice that any future requests for extensions of time to comply with Decision Nos. 69386, 70950, and 72373, must demonstrate that issuance of the Certificate of Assured Water Supply is imminent or that harm to the public interest will result if the extension is not granted.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN \_\_\_\_\_ COMMISSIONER

COMMISSIONER \_\_\_\_\_ COMMISSIONER \_\_\_\_\_ COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

YBK:tv

1 SERVICE LIST FOR:

ARIZONA WATER COMPANY

2 DOCKET NO.

W-01445A-06-0317

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