

ORIGINAL



BEFORE THE ARIZONA CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

RECEIVED
2013 OCT 10 P 3:32
ARIZONA CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED
OCT 10 2013
DOCKETED BY *[Signature]*

IN THE MATTER OF THE APPLICATION OF
PRESIDIO TRAILS DEVELOPMENT, LLC
FOR DELETION OF ITS PROJECT FROM
THE CERTIFICATE OF CONVENIENCE AND
NECESSITY HELD BY HALCYON ACRES
ANNEX NO. 2 WATER COMPANY, INC.

DOCKET NO. W-02312A-13-0326

STAFF'S NOTICE OF CASE STATUS

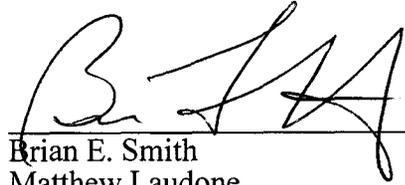
On September 20, 2013, Presidio Trails Development, LLC ("Presidio") filed with the Arizona Corporation Commission ("Commission") an Application for Deletion wherein it requested "that its project be deleted from the service area of the Certificate of Convenience and Necessity ("CC&N") held by Halcyon Acres Annex No. 2 Water Company, Inc. ("Halcyon")." The project to which it refers is a 208 unit apartment complex located at 9195 E. 21st Street, Tucson. In sum, Presidio has alleged that Halcyon is unable to serve its project and, should its request for deletion be approved by the Commission, it has secured alternative water service from the City of Tucson ("City") for the project.

Staff has reviewed Presidio's submission and the substance thereof. Staff has determined that, despite it being denominated as an "application," such document was filed by a private party, not a regulated utility. Further, such document has not been filed for the purposes of establishing rates or a CC&N as anticipated by Arizona Administrative Code R14-2-103, et seq., or R14-2-411C, respectively. Therefore, such pleading should be treated as a complaint instead of an application.

Given the foregoing, Staff notes that neither Presidio nor Halcyon has opted to pursue the Commission's informal complaint process available to them. As a result, Staff would recommend that the parties avail themselves of this procedural option, including the attendant mediation, in an attempt to resolve the instant dispute. Should such process prove unsuccessful, the

1 parties can then proceed to a formal complaint process through which a hearing on the merits of the
2 dispute can be scheduled.

3 RESPECTFULLY SUBMITTED this 10th day of October 2013.

4
5 

6 Brian E. Smith
7 Matthew Laudone
8 Attorneys, Legal Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007
12 (602) 542-3402

13 Original and thirteen (13) copies
14 of the foregoing filed this
15 10th day of October 2013 with:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 Copy of the foregoing mailed this
21 10th day of October 2013 to:

22 Thomas H. Campbell
23 Matthew Bingham
24 Lewis Roca Rothgerber LLP
25 40 North Central Avenue
26 Phoenix, Arizona 85004

27 Courtesy Copy of the foregoing
28 this 10th day of October 2013 to:

Gregory E. Good, Esq.
Good Law, P.C.
3430 East Sunrise Drive, Suite 170
Tucson, Arizona 85718

29 