



0000149166

1 John E. Dougherty  
2 PO Box 501  
3 Rimrock, AZ 86335  
4 Complainant & Intervenor

**ORIGINAL**

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

11 BOB STUMP-Chairman  
12 GARY PIERCE  
13 BRENDA BURNS  
14 BOB BURNS  
15 SUSAN BITTER SMITH

Arizona Corporation Commission  
**DOCKETED**

OCT 29 2013

DOCKETED BY 

18 IN THE MATTER OF THE APPLICATION OF  
19 MONTEZUMA RIMROCK WATER COMPANY,  
20 LLC FOR APPROVAL OF FINANCING TO  
21 INSTALL A WATER LINE FROM THE WELL ON  
22 TIEMAN TO WELL NO. 1 ON TOWERS

**W-04254A-12-0204**

24 IN THE MATTER OF THE APPLICATION OF  
25 MONTEZUMA RIMROCK WATER COMPANY,  
26 LLC FOR APPROVAL OF FINANCING TO  
27 PURCHASE THE WELL NO. 4 SITE AND THE  
28 COMPANY VEHICLE.

**W-04254A-12-0205**

30 IN THE MATTER OF THE APPLICATION OF  
31 MONTEZUMA RIMROCK WATER COMPANY,  
32 LLC FOR APPROVAL OF FINANCING FOR AN  
33 8,000-GALLON HYDRO-PNEUMATIC TANK

**W-04254A-12-0206**

35 IN THE MATTER OF THE RATE  
36 APPLICATION OF MONTEZUMA RIMROCK  
37 WATER COMPANY, LLC.

**W-04254A-12-0207**

39 JOHN E. DOUGHERTY,  
40 COMPLAINANT,  
41 V.  
42 MONTEZUMA RIMROCK WATER  
43 COMPANY, LLC,  
44 RESPONDENT.

**W-04254A-11-0323**

RECEIVED  
2013 OCT 29 A 10:08  
CORP COMMISSION  
DOCKET CONTROL

1 IN THE MATTER OF THE APPLICATION OF  
2 MONTEZUMA RIMROCK WATER  
3 COMPANY, LLC FOR APPROVAL OF A  
4 RATE INCREASE.

W-04254A-08-0361

5  
6 IN THE MATTER OF THE APPLICATION OF  
7 MONTEZUMA RIMROCK WATER  
8 COMPANY, LLC FOR APPROVAL OF A  
9 FINANCING APPLICATION.

W-04254A-08-0362

10  
11 **Notice of Legal Remedy  
Available to Interim Manager**

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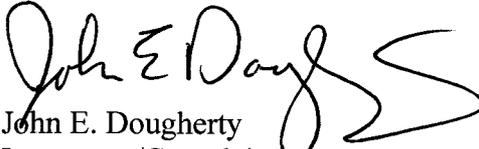
12 Complainant/Intervenor brings to the attention of the Commission the following  
13 provisions provided in ARS 49-355 that creates a Small Water Systems Fund.

14  
15 ARS 49-355 (B, 5) provides: “emergency grants to *interim operators or interim*  
16 *managers* (emphasis added) of small water systems that are appointed by the Arizona  
17 corporation commission to repair water infrastructure.”

18  
19 Paragraph C allows: “On recommendation of the Arizona corporation commission the  
20 water infrastructure finance authority of Arizona may approve a grant to an interim  
21 operator or an interim manager of a small water system pursuant to subsection B,  
22 paragraph 5 of this section only if the operator or manager demonstrates that it requires  
23 immediate financial assistance to make repairs to or to rehabilitate the public water  
24 system that is operated by the interim operator or manager *in order to correct or avoid an*  
25 *interruption in water service.*” (Emphasis added.)

26  
27 The above provisions provide a potential interim manager of Montezuma Rimrock to  
28 obtain the funds necessary to continue the operation of the Arsenic Treatment Facility in  
29 the event the Commission rejects the Company’s request for retroactive approval of the  
30 lease agreements entered into by the Company in 2012 for the construction and operation  
31 of the ATF and grants Intervenor/Complainant’s request to remove Montezuma’s current  
32 management and appoint an interim manager.

33  
34 RESPECTFULLY SUBMITTED THIS 28<sup>th</sup> Day of October, 2013.

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37  
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1 Copies of the foregoing Mailed/Hand Delivered  
2 This 28th day of October, 2013 to:

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49-355. Small water systems fund

A. A small water systems fund is established in the department of environmental quality. On designation of the director of environmental quality, the fund may be administered by the water infrastructure finance authority of Arizona. The fund consists of monies appropriated by the legislature. Monies in the fund are exempt from lapsing under section 35-190. Interest earned on monies in the fund shall be credited to the fund.

B. Monies from the small water systems fund shall be used to:

1. Develop public education and information programs for owners, operators and customers of small water systems.
2. Provide advice and assistance in managerial, accounting, engineering and other technical areas for owners and operators of small water systems.
3. Integrate and coordinate information databases among the government agencies involved in regulating small water systems.
4. Develop other programs which would benefit the owners, operators and customers of small water systems.
5. Provide emergency grants to interim operators or interim managers of small water systems that are appointed by the Arizona corporation commission to repair water infrastructure.

C. On recommendation of the Arizona corporation commission the water infrastructure finance authority of Arizona may approve a grant to an interim operator or an interim manager of a small water system pursuant to subsection B, paragraph 5 of this section only if the operator or manager demonstrates that it requires immediate financial assistance to make repairs to or to rehabilitate the public water system that is operated by the interim operator or manager in order to correct or avoid an interruption in water service.