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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

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

FEB 26 2014

DOCKETED BY NR

IN THE MATTER OF THE APPLICATION OF
EMPIRITA WATER COMPANY, L.L.C. FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03948A-06-0490

DECISION NO. 74371

**ORDER EXTENDING TIME
DEADLINE IN DECISION NOS.
69399, 70476, AND 71222**

Open Meeting
February 6 and 7, 2014
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. In Decision No. 69399 (March 29, 2007), the Commission issued an "Order Preliminary" to the issuance of a Certificate of Convenience and Necessity ("CC&N") for Empirita Water Company L.L.C. ("Empirita" or "Company").

2. As part of Decision No. 69399, the Commission ordered Empirita to file "copies of the AOC issued by ADEQ for the water plant additions needed to serve the Redhawk II development within one year of the effective date of the order granting the CC&N."¹

3. Decision No. 70476 (September 3, 2008) granted the CC&N to Empirita, and thus the due date for Empirita to file copies of its AOC for the Redhawk II development was established as September 3, 2009.

¹ An "AOC", or Approval of Construction is issued by the Arizona Department of Environmental Quality ("ADEQ") upon the completion of certain utility plant.

1 4. Decision No. 71222 (August 6, 2009) subsequently extended the September 3, 2009
2 due date until September 2, 2011, and Decision No. 72372 (May 27, 2011) further extended the due
3 date until September 3, 2013.

4 5. On August 29, 2013, Empirita docketed a Motion that requested a further six month
5 extension of time, until March 3, 2014, to file the AOC. The Company had completed the
6 construction the 150,000 gallon reservoir for Redhawk II in the 2008-09 time period, but did not
7 install the pump, pipes and electrical equipment necessary for functionality at that time, preferring to
8 wait and avoid exposure to the elements until the facilities were actually needed. In 2013, the
9 Company began the process of installing the remaining plant and enclosing the reservoir, but ADEQ
10 required resubmission of the previously-approved plan for construction. The Company states that it
11 resubmitted the plans to ADEQ which spent additional time reviewing the materials, and which
12 caused Empirita to delay ordering the required equipment until the Company was certain that ADEQ
13 would approve the resubmitted plans. Although ADEQ approved the resubmitted plants, the resulting
14 Approval to Construct ("ATC") was not received by Empirita until August 14, 2013, and the
15 Company learned that the ordered equipment would not arrive until the end of September 2013,
16 which meant that the Company could not comply with the September 3, 2013 deadline.
17 Consequently, the Company requested another six months to complete construction and file the AOC.

18 6. On January 3, 2014, Staff filed a Memorandum in Response to the Company's request
19 for an extension. Staff does not object to an extension of time for Empirita to provide the AOC for
20 the water plant additions needed to serve the Redhawk II development. In discussions between Staff
21 and counsel for Empirita, the Company amended its request to include an additional 30 days, and
22 thus, Staff is recommending that the deadline for filing the AOC be extended until April 30, 2014, to
23 give the Company sufficient time to obtain and file the AOC.

24 7. The delay in the development of Redhawk II is not atypical of other developments in
25 Arizona over the past few years. It appears that progress is being made toward completing the
26 project. Under the circumstances as reported in the Motion and Staff Memorandum, Empirita's
27 requested extension it is reasonable.

28

CONCLUSIONS OF LAW

1
2 1. Empirita is a public service corporation within the meaning of Article XV of the
3 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

4 2. The Commission has jurisdiction over Empirita and the subject matter of the Motion.

5 3. An extension of time to comply with the requirements of Decision Nos. 69399, 71222,
6 72372 and as discussed herein, is fair and reasonable and in the public interest.

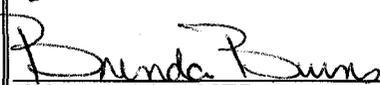
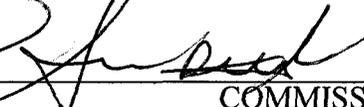
7 ORDER

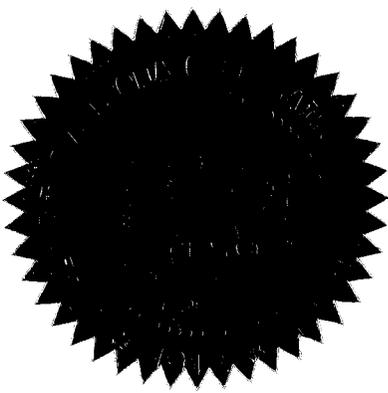
8 IT IS THEREFORE ORDERED that that the deadline for Empirita Water Company, L.L.C.
9 to file the Approval of Construction, as required by Decision Nos. 69399, 70476, and 71222 is
10 extended to April 30, 2014.

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

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

13
14
15  CHAIRMAN  COMMISSIONER

16  COMMISSIONER  COMMISSIONER  COMMISSIONER



18
19 IN WITNESS WHEREOF, I, JODI JERICH, Executive
20 Director of the Arizona Corporation Commission, have
21 hereunto set my hand and caused the official seal of the
22 Commission to be affixed at the Capitol, in the City of Phoenix,
23 this 21st day of February 2014.

24 
JODI JERICH
EXECUTIVE DIRECTOR

25 DISSENT _____

26
27 DISSENT _____
JR:tv

1 SERVICE LIST FOR: EMPIRITA WATER COMPANY, LLC

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