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BEFORE THE ARIZONA CORPORATION COMMISSION

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

Arizona Corporation Commission

DOCKETED

JUN 20 2014

DOCKETED BY	ne
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IN THE MATTER OF THE APPLICATION)
OF KYLLO DEVELOPMENT)
CORPORATION DBA BRADSHAW)
MOUNTAINVIEW WATER COMPANY)
FOR APPROVAL OF BEST)
MANAGEMENT PRACTICE TARIFF.)

DOCKET NO. W-02089A-14-0160

DECISION NO. 74561

ORDER

Open Meeting
June 10 and 11, 2014
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. Kyllö Development Corporation dba Bradshaw Mountainview Water Company ("Bradshaw Mountainview" or "Company") is certificated to provide water service as a public service corporation in the State of Arizona.

2. On May 21, 2014, Bradshaw Mountainview filed with the Arizona Corporation Commission ("Commission") an application for approval of a Best Management Practice ("BMP") Tariff.

3. In its filing the Company is requesting Commission approval to implement the water conservation measure listed below.

Water System Tampering Tariff – BMP 5.2: The purpose of this tariff is to promote the conservation of groundwater by enabling the Company to bring an action for damages or to enjoin any activity against a person who tampers with the water system.

Staff's AnalysisBackground Information and Service Area Characteristics

4. The Bradshaw Mountainview System serves over 600 metered customers. The System serves primarily residential customers and is located approximately three miles northwest of the Town of Cordes Junction in Yavapai County, Arizona. The service area encompasses approximately two and one-half square miles and is not located in an Arizona Department of Water Resources' ("ADWR") Active Management Area.

5. According to the Company the purpose of the filing is to assist the Company in preventing meter tampering in its service area. Staff understands that the Company has had several customers cut off locks on meters sets and in some cases the locking tabs have been damaged.

Proposed Tariffs

6. Staff created a set of BMP tariff templates that were developed using the BMP descriptions outlined in the ADWR Modified Non-Per Capita Conservation Program and relevant ADWR documents. The proposed tariff conforms to the water system tampering tariff template for BMP 5.2 developed by Staff.

Recommendation

7. Staff believes that the proposed BMP tariff could assist the Company in preventing meter tampering in its service area. The tariff proposed by Bradshaw Mountainview conforms to the water system tampering tariff template developed by Staff. Staff recommends approval of the water system tampering tariff filed by the Company on May 21, 2014, attached to the proposed order as Exhibit A.

CONCLUSIONS OF LAW

1. Bradshaw Mountainview Water Company is a public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over Bradshaw Mountainview Water Company and of the subject matter of the Application.

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1 IT IS FURTHER ORDERED that the BMP tariff authorized herein shall go into effect 30
2 days after the date notice is sent to Bradshaw Mountainview Water Company customers.

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

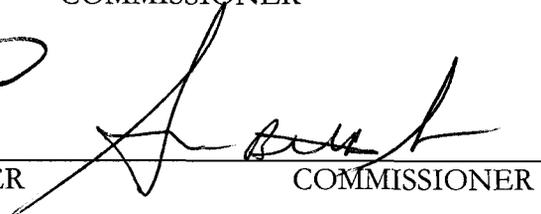
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5 **BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

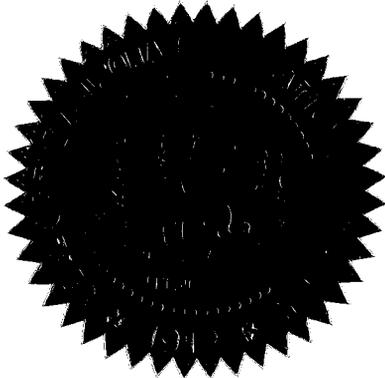
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7 CHAIRMAN

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7 COMMISSIONER

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11 IN WITNESS WHEREOF, I, JODI JERICH, Executive
12 Director of the Arizona Corporation Commission, have
13 hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capitol, in the City of
15 Phoenix, this 20th day of JUNE, 2013.

16 
17 JODI JERICH
18 EXECUTIVE DIRECTOR

19 DISSENT: _____

20 DISSENT: _____

21 SMO:DWS:red/JFW
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1 SERVICE LIST FOR: Bradshaw Mountainview Water Company
DOCKET NO. W-02089A-14-0160

2

3 Mr. Tim Kylo
President
4 Kylo Development Corporation dba Bradshaw Mountainview Water Company
PO Box 10593
5 Sedona, Arizona 86339

6 Ms. Janice M. Alward
7 Chief Counsel, Legal Division
Arizona Corporation Commission
8 1200 West Washington Street
Phoenix, Arizona 85007

9

10 Mr. Steven M. Olea
Director, Utilities Division
11 Arizona Corporation Commission
1200 West Washington Street
12 Phoenix, Arizona 85007

13 Ms. Lyn Farmer
14 Chief Administrative Law Judge
Hearing Division
15 Arizona Corporation Commission
1200 West Washington Street
16 Phoenix, Arizona 85007

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EXHIBIT A

Company: Bradshaw Mountainview Water Company

Decision No.: _____

Phone: 800-315-5333

Effective Date: _____

WATER SYSTEM TAMPERING TARIFF – BMP 5.2

PURPOSE

The purpose of this tariff is to promote the conservation of groundwater by enabling the Company to bring an action for damages or to enjoin any activity against a person who tampers with the water system.

REQUIREMENTS:

The requirements of this tariff are governed by Rules of the Arizona Corporation Commission, specifically Arizona Administrative Code ("AAC") R14-2-410 and the Arizona Department of Water Resources' Required Public Education Program and Best Management Practices in the Modified Non-Per Capita Conservation Program.

1. In support of the Company's water conservation goals, the Company may bring an action for damages or to enjoin any activity against a person who: (1) makes a connection or reconnection with property owned or used by the Company to provide utility service without the Company's authorization or consent; (2) prevents a Company meter or other device used to determine the charge for utility services from accurately performing its measuring function; (3) tampers with property owned or used by the Company; or (4) uses or receives the Company's services without the authorization or consent of the Company and knows or has reason to know of the unlawful diversion, tampering or connection. If the Company's action is successful, the Company may recover as damages three times the amount of actual damages.
2. Compliance with the provisions of this tariff will be a condition of service.
3. The Company shall provide to all its customers, upon request, a complete copy of this tariff and AAC R14-2-410. The customers shall follow and abide by this tariff.
4. If a customer is connected to the Company water system and the Company discovers that the customer has taken any of the actions listed in No. 1 above, the Company may terminate service per AAC R14-2-410.
5. If a customer believes he/she has been disconnected in error, the customer may contact the Commission's Consumer Services Section at 1-800-222-7000 to initiate an investigation.