



0000154940

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2014 JUL 24 A 11:17

Arizona Corporation Commission
DOCKETED

JUL 24 2014

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

ORIGINAL

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
BALTERRA SEWER CORPORATION FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WASTEWATER
SERVICE IN MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-20403A-05-0586

PROCEDURAL ORDER

BY THE COMMISSION:

On September 30, 2013, Balterra Sewer Corporation (the "Company") filed a Motion for Extension of Time ("Motion") requesting that the deadline for filing a copy of the Certificate of Approval of Construction ("AOC") for the Company's Phase I wastewater collection system be extended for five additional years, from September 30, 2013 to September 30, 2018. In its Motion, the Company states that the delay in obtaining the AOC is due to the downturn in the Arizona housing market and that to construct the Phase I facilities before they are needed would be premature and expensive. According to the Company, the public interest is best served by an extension of time that will allow construction to proceed closer to the time of development.

On April 7, 2014, the Commission's Utilities Division ("Staff") filed a Memorandum recommending denial of the requested extension because the Motion did not include updated request for service letters from the landowners.

On April 11, 2014, the Company filed a Notice of Filing Requests for Service indicating that the Company contacted a majority of the landowners and secured requests for service for 22 of the 24 parcels in the Company's certificated area. According to the Company, the remaining landowners, Ruth Fisher Elementary School District No. 90 ("School District") and Balterra Holdings, LLC, had not responded to the Company as of the date of filing. The Company stated that it would continue to attempt to contact the remaining landowners and file a corresponding update.

On April 22, 2014, the Company filed a Status Report and Response to Staff Memorandum

1 stating that the School District does not request service from the Company. As a result, the Company
2 recommends that the parcel of land owned by the School District be removed from the Company's
3 Certificate of Convenience and Necessity ("CC&N"). The Company further stated that Balterra
4 Holdings, LLC had been sold and requested that it be given until May 12, 2014 to obtain a response
5 from the new owner.

6 On April 30, 2014, the Company filed an additional Notice of Filing Requests for Service
7 indicating that the Company contacted and secured a request for service from Balterra Holdings,
8 LLC. The Company notes that it has submitted requests for service for 23 of the 24 parcels in its
9 certificated area.

10 In light of the new information filed by the Company, it is necessary for Staff to provide a
11 response.

12 IT IS THEREFORE ORDERED that Staff shall file a **Supplemental Memorandum** no later
13 than **August 7, 2014**, to address the following topics:

- 14 • Provide an update on Staff's recommended denial of the Company's extension request.
- 15 • Provide a response to the Company's recommendation that the parcel owned by the
16 School District be removed from its CC &N. If Staff agrees with the Company's
17 recommendation, discuss whether the Company should file a new application for
18 authority to delete that parcel from its CC&N territory in accordance with A.A.C. R14-
19 2-402(D).
- 20 • Any other matters that Staff wishes to address.

21 IT IS FURTHER ORDERED that the Company shall file any **comments to Staff's**
22 **Supplemental Memorandum no later than August 21, 2014.**

23
24 DATED this 24th day of July, 2014.

25
26 
27 SCOTT M. HESLA
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
this ~~24th~~ day of July, 2014 to:

2 Timothy J. Sabo
3 ROSHKA DEWULF & PATTEN, PLC
4 400 East Van Buren Street, Suite 800
5 Phoenix, AZ 85004
6 Attorneys for Balterra Sewer Corporation

7 Janice Alward, Chief Counsel
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Steve Olea, Director
13 Utilities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17
18
19
20
21
22
23
24
25
26
27
28
By: Rebecca Unquera
Rebecca Unquera
Assistant to Scott M. Hesla