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MEMORANDUM

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TO: Docket Control Center

FROM: Steven M. Olea
Director
Utilities Division

Arizona Corporation Commission
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SEP 26 2014

DATE: September 26, 2014

DOCKETED BY [Signature]

ORIGINAL

RE: WILLOW VALLEY WATER CO., INC. – MCKELLIPS LAND CORPORATION'S
REQUEST FOR EXTENSION OF COMPLIANCE DEADLINE
(DOCKET NO. W-01732A-05-0532)

In Decision No. 68610, dated March 23, 2006, the Arizona Corporation Commission (“Commission”) approved the application of Willow Valley Water Co., Inc. (“Willow Valley” or “Company”) for an extension of its Certificate of Convenience and Necessity. In issuing its decision, the Commission ordered the Company to provide filings relating to the Developer’s Letter of Adequate Water Supply (“LAWS”). Decision No. 68610 ordered that Willow Valley should file:

“copies of the Developer’s Letter of Adequate Water Supply, stating that there is adequate water, no later than one year after a decision in this docket.”

The Company was ordered to supply LAWS filings relating to three individual parcels in this matter and had provided the LAWS for two parcels previously. Only the LAWS for the third parcel, known as Willow Valley States 21, Tract 4228, has remained outstanding. This represents the final compliance item for meeting the LAWS requirement in Decision No. 68610.

On September 30, 2013, the most recent extension of time was docketed in this matter, seeking a subsequent six month extension of time, from September 30, 2013 to March 31, 2014 for the provision of the LAWS for the final parcel. The application outlines that the development has encountered difficulties in obtaining the LAWS for the final parcel.

On February 19, 2014, a supplement was docketed to the September 30, 2013 extension of time. The supplement stated that it had become apparent that a longer time was needed for the final LAWS and requested a one year extension until September 30, 2014 rather than the 6 month extension originally proposed. Staff accepted the supplement as an amendment to the application for extension of time.

On September 11, 2014, the final LAWS was docketed with respect to Decision No. 68610. Staff therefore confirms that the LAWS requirement for the first two parcels (Willow Valley Estates 20, Tract 4134A and Willow Valley Estates 20, Tract 4134B) have been previously met. Staff also concludes that while compliance for the final LAWS has now been met, it is appropriate to retroactively extend the due date for the final LAWS requirement until September 30, 2014, so that the Company will be shown to be in complete compliance with the LAWS requirements of the decision.

WILLOW VALLEY WATER CO., INC.

September 26, 2014

Page 2

Based on all of the above, Staff recommends that the September 30, 2013 due date for the provision of the final LAWS – relating to Willow Valley Estates 21, 4228 – be extended until September 30, 2014.

SMO:BKB:tdp

Originator: Brian K. Bozzo

SERVICE LIST FOR: WILLOW VALLEY WATER CO., INC.
DOCKET NO. W-01732A-05-0532

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