

OPEN MEETING ITEM



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



ARIZONA CORPORATION COMMISSION RECEIVED

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A.A. CORP COMMISSION
DOCKET CONTROL

DATE: OCTOBER 17, 2014

DOCKET NO.: W-01732A-05-0532

TO ALL PARTIES:

ORIGINAL

Enclosed please find the recommendation of Administrative Law Judge Scott M. Hesla. The recommendation has been filed in the form of an Order on:

WILLOW VALLEY WATER COMPANY, INC.
(ORDER EXTENDING TIME DEADLINE ORDERED IN DECISION NOS. 68610,
71174, 71861, 72295, AND 73560)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

OCTOBER 27, 2014

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

NOVEMBER 5, 2014 and NOVEMBER 6, 2014

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

OCT 17 2014

DOCKETED BY

JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF
WILLOW VALLEY WATER COMPANY, INC.
FOR AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-01732A-05-0532

DECISION NO. _____

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NOS. 68610, 71174,
71861, 72295, AND 73560**

Open Meeting
November 5 and 6, 2014
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On March 23, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68610 which approved the application of Willow Valley Water Company, Inc. ("Company" or "Applicant") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide public water utility service to 48 acres of land consisting of Parcels A, B, and C in Mohave County, Arizona.

2. As a condition of the Commission's approval, the Company was required to file, by March 23, 2007, copies of the developer's Letter(s) of Adequate Water Supply ("LAWS") which is to be issued by the Arizona Department of Water Resources ("ADWR") for each parcel.

3. By Procedural Order dated April 19, 2007, an extension of time was granted for the Company to file copies of the developer's LAWS by March 23, 2008.

1 4. On March 21, 2008, the Company filed a motion requesting that the deadline for filing
2 a copy of the developer's LAWS for Parcel C be extended for an additional year, from March 23,
3 2008 to March 23, 2009. The Company indicated that copies of the developer's LAWS for Parcel A
4 and Parcel B had been secured and attached copies of the same as exhibits to the motion.

5 5. By Procedural Order dated April 29, 2008, an extension of time was granted for the
6 Company to file a copy of the LAWS for Parcel C by March 23, 2009.

7 6. On March 23, 2009, McKellips Land Corporation ("MLC"), the developer of Parcels
8 A, B, and C, filed an application to intervene in this docket and filed a motion to extend the time to
9 file a copy of the LAWS for Parcel C until March 23, 2010.

10 7. On June 30, 2009, the Commission issued Decision No. 71174 granting MLC
11 intervention for the purpose of filing an extension of time on behalf of the Company and extending
12 the time to file the LAWS for Parcel C until March 23, 2010.

13 8. Decision No. 71861 (September 1, 2010) subsequently extended the deadline to file
14 the LAWS for Parcel C until March 23, 2011; Decision No. 72295 (May 4, 2011) further extended
15 the due date until March 23, 2012; and Decision No. 73560 (October 17, 2012) additionally extended
16 the deadline until September 30, 2013.

17 9. On September 30, 2013, MLC filed a Motion requesting that the deadline for filing a
18 copy of the LAWS for Parcel C be extended until March 31, 2014. In its Motion, MLC states that "it
19 has once again encountered extraordinary adverse circumstances that warrant an additional
20 extension." Additionally, MLC requests a Commission order confirming that the Company is in
21 compliance with the deadline to submit the LAWS for Parcel A and Parcel B.

22 10. On February 19, 2014, MLC filed a supplement to its Motion requesting that the
23 LAWS deadline for Parcel C be further extended until September 30, 2014.

24 11. On September 11, 2014, MLC filed a copy of the LAWS for Parcel C.

25 12. On September 26, 2014, the Commission's Utilities Division ("Staff") filed a
26 Memorandum recommending that the deadline for filing a copy of the LAWS for Parcel C be
27 extended until September 30, 2014 so that the Company will be in compliance with the LAWS filing
28

1 requirement originally ordered in Decision No. 68610.

2 13. We find that Staff's recommendation is reasonable and should be adopted.

3 CONCLUSIONS OF LAW

4 1. Willow Valley Water Company, Inc. is a public service corporation within the
5 meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

6 2. The Commission has jurisdiction over Willow Valley Water Company, Inc. and the
7 subject matter of the extension request addressed herein.

8 3. McKellips Land Corporation has previously been granted intervenor status pursuant to
9 A.A.C. R14-3-105 for the purpose of filing for an extension of time on behalf of Willow Valley
10 Water Company, Inc.

11 4. An extension of time to comply with the filing requirements of Decision Nos. 68610,
12 71174, 71861, 72295, and 73560, as discussed herein, is fair and reasonable and in the public interest.

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ORDER

IT IS THEREFORE ORDERED that Willow Valley Water Company, Inc. shall be granted an extension of time, until September 30, 2014, to file a copy of the developer's Letter of Assured Water Supply for Parcel C to be issued by Arizona Department of Water Resources as previously ordered in Decision Nos. 68610, 71174, 71861, 72295, and 73560.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2014.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SMH:ru

1 SERVICE LIST FOR: WILLOW VALLEY WATER COMPANY

2 DOCKET NO.: W-01732A-05-0532

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