

OPEN MEETING ITEM



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COMMISSIONERS
SUSAN BITTER SMITH - Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE



ARIZONA CORPORATION COMMISSION

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2015 FEB -3 P 3: 22

DATE: FEBRUARY 3, 2015

DOCKET NO.: W-01445A-05-0701

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

ORIGINAL

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

ARIZONA WATER COMPANY
(EXTENSION OF TIME IN DECISION NOS. 68919, 70527, 71708, AND 73518)

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:

FEBRUARY 12, 2015

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:

MARCH 2, 2015 and MARCH 3, 2015

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

FEB 03 2015

DOCKETED BY

JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
www.cc.state.az.us

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

SUSAN BITTER SMITH – Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY, AN
ARIZONA CORPORATION TO EXTEND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR ITS SUPERSTITION
SYSTEM, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-05-0701

DECISION NO. _____

**ORDER EXTENDING TIME
DEADLINE IN DECISION NOS.
68919, 70527, 71708, and 73518**

Open Meeting
March 2 and 3, 2015
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. On August 29, 2006, the Commission issued Decision No. 68919, which granted Arizona Water Company (“AWC”) an extension of its Certificate of Convenience and Necessity (“CC&N”) for its Superstition system in Pinal County, Arizona.

2. Decision No. 68919 required AWC to file, among other things, the following compliance items:

- a. A Notice of filing indicating AWC had submitted for Staff’s review and approval, a copy of the fully executed main extension agreements (“MXAs”) for water facilities for the requested extension areas within two years of the effective date of the Decision.
- b. A copy of the Arizona Department of Environmental Quality’s Approval to Construct (“ATC”) for facilities needed to serve the requested extension areas within two years of the effective date of the Decision.
- c. A copy of the developer’s Certificate of Assured Water Supply (“CAWS”) for the requested transfer areas where applicable or when required by statute, within two years of the effective date of the Decision.

1 3. On June 27, 2008, AWC filed a request for additional time, until August 29, 2010, to
2 meet the above-listed compliance items. In support of its request, AWC submitted a letter from the
3 developer in the extension area, Ecco Holdings, LLC, confirming a desire to develop the area in the
4 future and confirming a desire to have AWC as the water provider for the extension area.

5 4. On September 30, 2008, the Commission issued Decision No. 70527 approving AWC's
6 request for an extension of time, until August 29, 2010, to comply with Decision No. 68919.

7 5. On January 6, 2010, AWC filed a second request for an extension of time to comply
8 with Decision No. 68919. AWC's second request stated that due to a downturn in the housing market
9 and the deep economic recession in the Pinal County housing market development, had come to a
10 halt and that AWC needed additional time to meet the compliance deadlines.

11 6. On June 3, 2010, the Commission issued Decision No. 71708, approving AWC's
12 request for an extension of time, until August 29, 2012, to comply with Decision No. 68919.

13 7. On August 3, 2012, AWC filed its third request for an extension of time to comply with
14 Decision No. 68919. AWC's third request sought an extension of the compliance deadlines until
15 August 29, 2014.

16 8. On October 4, 2012, the Commission issued Decision No. 73518, approving AWC's
17 request for an extension of time, until August 29, 2014, to comply with Decision No. 68919, by filing
18 a copy of a fully executed MXA for water facilities needed for the extension area; a copy of the
19 ADEQ ATC for facilities needed for the extension area; and a copy of the developer's CAWS where
20 applicable or when required by statute.

21 9. On August 22, 2013, AWC docketed a Compliance Filing that included a copy of the
22 ADEQ ATC for facilities needed for the extension area.

23 10. On June 30, 2014, AWC filed its fourth request for additional time, until August 29,
24 2016, to meet the remaining compliance items. In support of its request, AWC states that
25 extraordinary circumstances exist due to the deep recession and the crash of the real estate market
26 over the past several years and that there is a continuing need for service in the extension area as
27 evidenced by a letter from the property owner in the extension area expressing a need for service in
28 the future from AWC.

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

2 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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5 CHAIRMAN

COMMISSIONER

6
7 COMMISSIONER

COMMISSIONER

COMMISSIONER

8
9 IN WITNESS WHEREOF, I, JODI JERICH, Executive
10 Director of the Arizona Corporation Commission, have
11 hereunto set my hand and caused the official seal of the
12 Commission to be affixed at the Capitol, in the City of Phoenix,
13 this _____ day of _____, 2015.

14 JODI JERICH
EXECUTIVE DIRECTOR

15
16 DISSENT _____

17
18 DISSENT _____

19 YBK:tv

1 SERVICE LIST FOR: ARIZONA WATER COMPANY

2 DOCKET NOS.: W-01445A-05-0701

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4 E. Robert Spear
ARIZONA WATER COMPANY
5 P.O. Box 29006
Phoenix, AZ 85038

6 Janice Alward, Chief Counsel
Legal Division
7 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
8 Phoenix, AZ 85007

9 Steven M. Olea, Director
Utilities Division
10 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
11 Phoenix, AZ 85007

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