

ORIGINAL



0000163064

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

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

DOCKETED BY [Signature]

2015 APR 29 PM 1 55

IN THE MATTER OF THE PETITION OF
ARIZONA WATER COMPANY FOR AN
INCREASE OF AREA TO BE SERVED AT
CENTRAL HEIGHTS, ARIZONA.

DOCKET NO. W-01445A-14-0305

PROCEDURAL ORDER

BY THE COMMISSION:

On September 20, 1961, the Arizona Corporation Commission ("Commission") issued Decision No. 33424, granting Arizona Water Company ("AWC" or "Company") a Certificate of Convenience and Necessity ("CC&N") to serve various areas in Gila County, Arizona.

On August 18, 2014, the City of Globe ("Globe" or "City") filed a Petition to Amend Decision No. 33424 pursuant to A.R.S. § 40-252, requesting that the Commission "correct Decision No. 33424" and remove portions of AWC's CC&N that the City states it has provided water service to since the early 1900s.

At the Commission's Staff Meeting on October 16, 2014, the Commissioners voted to reopen Decision No. 33424 pursuant to A.R.S. § 40-252, and instructed the Commission's Hearing Division to conduct further proceedings on the matter. As a party to Decision No. 33424 and pursuant to A.A.C. R14-3-106(J), AWC is a party to this proceeding.

On October 30, 2014, by Procedural Order, a procedural conference was set for November 10, 2014 to discuss the procedural schedule to be followed in this matter.

On November 5, 2014, the parties filed a Joint Motion to Continue the Procedural Conference scheduled for November 10, 2014.

On November 6, 2014, by Procedural Order, the parties' Motion to Continue was granted and the procedural conference scheduled for November 10, 2014, was continued until January 6, 2015.

On January 2, 2015, AWC filed a Request to Appear Telephonically for the procedural

1 conference.

2 On January 6, 2015, the procedural conference was convened as scheduled. Globe and the
3 Commission's Utilities Division ("Staff") appeared through counsel. AWC appeared telephonically
4 through counsel. During the procedural conference, proposed procedural deadlines, the possibility of
5 settlement, the need for a proposed form of notice, and the need for maps of the disputed areas were
6 discussed.

7 On January 9, 2015, by Procedural Order, a status conference was scheduled to commence on
8 March 9, 2015, and other deadlines were established.

9 On January 16, 2015, AWC filed a Motion to Dismiss Petition to Amend Decision No. 33424
10 Pursuant to A.R.S. § 40-252, asserting, among other things, that the City failed to plead the requisite
11 elements of law for the relief sought, citing to *James P. Paul Water Co. v. Arizona Corp. Comm'n*,
12 137 Ariz. 426, 671 P.2d 404 (1983). AWC requested that the Commission dismiss the City's petition
13 with prejudice for failure to state a claim under Arizona Rules of Civil Procedure Rule 12(b)(6) and
14 the Commission's Rules of Practice.

15 On January 16, 2015, Globe filed a Joint Request to Change Procedural Conference Date due
16 to scheduling conflicts among the parties.

17 On January 26, 2015, by Procedural Order, the status conference was rescheduled to March 4,
18 2015.

19 On February 9, 2015, the City filed its Response to AWC's Motion to Dismiss.

20 On February 23, 2015, Staff filed its Staff Report in which it discussed the evolution of
21 AWC's CC&N and included maps of the disputed areas.

22 On February 23, 2015, AWC filed its Reply in Support of Motion to Dismiss Petition to
23 Amend Decision No. 33424 Pursuant to A.R.S. § 40-252.

24 On February 25, 2015, Globe filed a Notice of Filing a Joint Proposed Form of Notice.

25 On March 4, 2015, a status conference was held as scheduled. Globe, AWC, and Staff
26 appeared through counsel. Oral argument was heard on AWC's Motion to Dismiss. At the
27 conclusion of oral arguments, the parties were notified that, due to disputed material facts, a ruling on
28 the Motion to Dismiss would be reserved until an evidentiary hearing was held and all the evidence

1 heard. During the course of oral arguments, counsel for AWC introduced case law that was not in
2 AWC's Motion to Dismiss. As a result, Staff and the City were given additional time, until March
3 27, 2015, to file a response to AWC's Motion to Dismiss. Discussions were also held among the
4 parties regarding a procedural schedule for this proceeding and an agreement was reached.

5 On March 6, 2015, a Procedural Order was issued scheduling an evidentiary hearing to
6 commence on October 26, 2015 and other procedural deadlines were established.

7 On March 27, 2015, Staff filed its Response to Motion to Dismiss, arguing that dismissal at
8 this early stage would prevent the development of necessary facts to make a proper determination.
9 The City also filed a supplemental response to the Motion to Dismiss to address the new case law that
10 was introduced at oral argument.

11 On April 10, 2015, AWC filed its Supplemental Reply Memorandum, in which it continued to
12 assert that dismissal of the City's Petition was appropriate at this time.

13 On April 23, 2015, consistent with the March 6, 2015 Procedural Order, counsel for AWC
14 contacted the Hearing Division and requested a telephonic conference to address ongoing discovery
15 issues. Thereafter, a telephonic status conference was scheduled for April 28, 2015.

16 On April 27, 2015, AWC filed a Motion For An Order Regarding City's Election of A.R.S. §
17 40-252 Theory, requesting an Order be issued finding the City's Petition and requested relief is based
18 on a theory that the Commission made a mistake at the time of granting the CC&N extension because
19 the City was already providing service as opposed to a deletion case which would require satisfaction
20 of *James P. Paul* factors, i.e., a demand for service was made and the utility was unable or unwilling
21 to supply such service. Attached to the Motion were excerpts from the March 4, 2015 oral argument
22 transcript, as well as the City's responses to AWC's second set of data requests.

23 On April 27, 2015, Globe docketed AWC's responses to Globe's first set of data requests for
24 discussion at the telephonic status conference.

25 On April 28, 2015, a telephonic status conference was held as scheduled and Staff and the
26 parties each appeared through counsel. AWC asserted that the City did not sufficiently respond to
27 AWC's data requests when the City delivered 700-plus pages that were not identified by Bate stamp
28 or as responsive to any particular data request. AWC requested an Order requiring the City to

1 identify the document(s) that pertain to each of AWC's specific data request(s).

2 The City responded that it turned over all documents in its possession that may be related to
3 the instant proceeding as a show of good faith that no document was being withheld. Globe stated
4 that it was not certain that the documents were directly responsive to AWC's data requests.

5 The City asserted AWC has not been forthcoming with its discovery responses. Globe stated
6 it has requested information from AWC, that AWC acknowledged it is in possession of the
7 information, but AWC refuses to turn it over. The City requested that AWC be required to provide
8 the information to Globe.

9 As the Globe City Council was scheduled to meet later on April 28, 2015 to discuss obtaining
10 access to documents germane to these proceedings and potentially responsive to AWC's data
11 requests, and because AWC and the City are scheduled to meet on April 30, 2015 to discuss this
12 matter, it was determined that any order relating to the present discovery disputes would be
13 premature. Instead, the parties were encouraged to work together to reach a mutual agreement with
14 regard to the discovery disputes. The parties were instructed to contact the Hearing Division if
15 discovery issues continue after the April 28, 2015 and April 30, 2015 meetings have concluded.

16 In its April 10, 2015 Supplemental Reply Memorandum, AWC requested that judicial notice
17 be taken that the Commission's files related to the initial 1961 proceeding that granted AWC's
18 CC&N extension were not accessible by the parties. During the telephonic status conference, this
19 request was addressed. A search of the Commission's microfilm records in Docket Control revealed
20 several documents related to AWC's 1961 CC&N extension case. These documents are attached to
21 this Procedural Order. Therefore, AWC's request is denied.

22 Additionally, AWC's April 27, 2015 filing requested that an Order be issued confirming that
23 the City's Petition seeks relief solely based on the "initial mistake" theory versus a deletion theory
24 under *James P. Paul*.

25 The Commission voted to reopen the proceedings related to AWC's CC&N extension and to
26 amend or correct Decision No. 33424 (September 20, 1961) pursuant to A.R.S. § 40-252. Based on
27 the City's Petition, it would be inappropriate to subvert the will of the Commission by limiting the
28 scope of discovery at this juncture. However, the parties shall retain the ability to raise issues of

1 relevance throughout the proceedings where they deem necessary.

2 IT IS THEREFORE ORDERED that the parties shall attempt to settle discovery disputes
3 through informal, good faith negotiations.

4 IT IS FURTHER ORDERED that, if the discovery disputes continue without resolution after
5 the April 28, 2015 and April 30, 2015 meetings, any party may telephonically contact the
6 Commission's Hearing Division to request a date for a procedural hearing to resolve any remaining
7 discovery disputes.

8 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all
9 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter
10 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a
11 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to
12 receive service, an e-mail request including the name of the party on whom service is to be made and
13 the docket number for this matter. After a party receives an e-mail confirmation of its request from
14 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders
15 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless
16 and until the party withdraws its request. Service of a document via e-mail shall be considered
17 complete upon the sending of an e-mail containing the document to the e-mail address provided by a
18 party, regardless of whether the party receives or reads the e-mail containing the document.

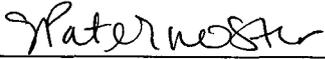
19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
20 Communications) applies to this proceeding, as the matter is now set for public hearing, and shall
21 remain in effect until the Commission's Decision in this matter is final and non-appealable.

22 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
23 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
24 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
25 all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion,
26 unless counsel has previously been granted permission to withdraw by the Administrative Law Judge
27 or Commission.

28

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 29th day of April, 2015.

5
6 
7 _____
8 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

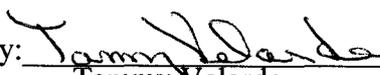
9 Copies of the foregoing mailed/delivered
10 this 29 day of April, 2015 to:

11 Garry D. Hays
12 The Law Offices of Garry D. Hays, PC
13 1702 E. Highland Ave., Suite 204
Phoenix, AZ 85016
Attorney for City of Globe

14 Steve Hirsch
15 Bryan Cave, LLP
16 One Renaissance Square
2 North Central Ave., Suite 2200
Phoenix, AZ 85004-4406
Attorney for Arizona Water Company

17 Janice Alward, Chief Counsel
18 Legal Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

20 Steven M. Olea, Director
21 Utilities Division
22 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

23
24 By: 
25 Tammy Velarde
Assistant to Sasha Paternoster

61

33424

Arizona Corporation Commission

Docket No. U-1445

IN THE MATTER OF THE PETITION
OF ARIZONA WATER COMPANY FOR
INCREASE OF AREA TO BE SERVED AT
CENTRAL HEIGHTS, ARIZ. DESCRIBED
AS BEGINNING AT THE SE CORNER
OF THE SW $\frac{1}{2}$ OF SEC 26, T 1 N,
R 15 E; THENCE WESTERLY TO THE
SW CORNER OF THE SE $\frac{1}{2}$ OF THE SW $\frac{1}{2}$
SEC 28, T 1 N, R 15 E; THENCE
NORTHERLY TO THE NW CORNER OF
THE NE $\frac{1}{2}$ OF THE SW $\frac{1}{2}$ SEC 16, T 1
N, R 15 E; THENCE EASTERLY TO
THE NE CORNER OF THE SW $\frac{1}{2}$ SEC 14,
T 1 N, R 15 E; THENCE SOUTHERLY
TO THE POINT OF BEGINNING ALL
IN G&S&B&M., GILA COUNTY, ARIZON

33424

DECISION NO. _____

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE PETITION OF ARIZONA WATER COMPANY FOR INCREASE OF AREA TO BE SERVED AT CENTRAL HEIGHTS, ARIZONA DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 NORTH, RANGE 15 EAST; THENCE WESTERLY TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 28, TOWNSHIP 1 NORTH, RANGE 15 EAST; THENCE NORTHERLY TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SEC. 16, TOWNSHIP 1 NORTH, RANGE 15 EAST; THENCE EASTERLY TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SECTION 14, TOWNSHIP 1 NORTH, RANGE 15 EAST; THENCE SOUTHERLY TO THE POINT OF BEGINNING, ALL GAZERBAM., GILA COUNTY, ARIZONA.

DOCKET NO. U-1445

DECISION

OPINION AND ORDER

BY THE COMMISSION:

Notice having been given as provided by law, the above titled matter came on for hearing before the Commission sitting in Phoenix, Arizona on September 11, 1961.

Applicant was represented by its attorney, Arthur M. Johnson, of the law firm, Fennemore, Craig, Allen & McClennen. Appearance in opposition was made by Robert Moore, for and on behalf of the Salt River Valley Water Users Association.

Testimony was presented, both oral and documentary, and from the testimony, files and records in the matter the Commission is of the opinion that applicant has complied with the statutes of Arizona and with the rules and regulations of the Commission for the issuance of a certificate of convenience and necessity.

It further appears that the application does not conflict with any other person or corporation furnishing a service of like character within the additional area sought to be certificated and that a need and demand has been established and exists for the proposed service supporting a finding of convenience and necessity therefore.

WHEREFORE, IT IS ORDERED that the application be, and it is hereby, approved and this order shall constitute and be a certificate of convenience and necessity as contemplated by the provisions of Section 40-281, A. R. S., authorizing applicant herein to construct, operate and maintain a public water system within the additional area described as beginning at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 26, Township 1 North, Range 15 East; thence westerly to the Southwest corner of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$), of Section 28, Township 1 North, Range 15 East, thence northerly to the

93424
DOCKETED
SEP 20 1961
DOCKETED BY [initials]

DOCKET NO. U-1445

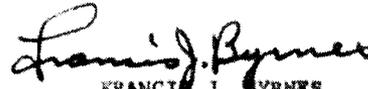
DECISION NO. 33424

Northwest Corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 1 North, Range 15 East; thence easterly to the Northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 14, Township 1 North, Range 15 East; thence southerly to the point of beginning, all G&SRB&M., Gila County, Ariz.

The rates and charges heretofore approved for this Company, shall be in full force and effect for this area.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

IN WITNESS WHEREOF, I, FRANCIS J. BYRNES, Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of this Commission, to be affixed at the Capitol in the City of Phoenix, this 20th day of September 1961.


FRANCIS J. BYRNES
SECRETARY

CHAIRMAN


COMMISSIONER

COMMISSIONER

FORM NO. U-1445

SECTION NO. 33424

7

Northeast Corner of the Northeast Quarter (NE¹/₄) of the Southwest Quarter (SW¹/₄) of Section 14, Township 1 North, Range 15 East; thence easterly to the Northeast corner of the Southwest Quarter (SW¹/₄) of Section 14, Township 1 North, Range 15 East; thence southerly to the point of beginning, all GAZDEN., Gila County, Ariz.

The rates and charges heretofore approved for this Company, shall be in full force and effect for this area.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

IN WITNESS WHEREOF, I, FRANCIS J. BYRNES, Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of this Commission, to be affixed at the Capital in the City of Phoenix, this 20th day of September 1961.

Francis J. Byrnes

FRANCIS J. BYRNES
SECRETARY

Copies Mailed 9-20-61 to:

Walter E. Craig

Arizona Water Co. Attn. Carl Schmidt

Final Co. Bd. Sup.

Gila Co. Bd. of Sup.

Bureau San.

Salt River Water Users Attn. W. H. Moore

Secretary

Packet

]

SUMMARY OF CASE

UTILITIES DIVISION

DOCKET NO. U-1445

TYPE OF CASE Increase in Area - Water - Gila County Central Hts.

APPLICANT - ARIZONA WATER COMPANY
RESPONDENT _____

File has been checked and found complete _____
Incomplete in following particulars _____

DEPARTMENTAL REMARKS: _____

BY S. C. CORBITT, by e.l. _____

HEARING REPORT

Place Phoenix Date 9/11/61
_____ A.M. _____ P.M.

BEFORE: Chairman _____
Commissioner Jensen
Commissioner Byrnes

APPEARANCES: (For Applicants) _____
Arthur M. Johnson, Atty.

APPEARANCES: (In Opposition) _____
Robert Moore, for Salt River Project

DISPOSITION OF CASE _____
Granted as prayed for

Reporter's Book NO. _____

From Page No. _____ to Page No. _____

Mark G. Trumbley
Official Reporter

REMARKS BY THE COMMISSION: _____

BEFORE THE ARIZONA CORPORATION COMMISSION

UTILITY HEARINGS TO BE HELD BEFORE THE ARIZONA CORPORATION COMMISSION ON MONDAY, SEPTEMBER 11, 1961, AT THE HOUR OF 10:00 O'CLOCK A. M. OF SAID DAY, IN THE COMMISSION HEARING ROOM, CAPITOL ANNEX BUILDING, PHOENIX, ARIZONA.

DOCKET NO.

CASE

U-1798

IN THE MATTER OF THE APPLICATION OF SUNSET WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONSTRUCT, OPERATE AND MAINTAIN A PUBLIC UTILITY WATER SYSTEM IN THE W $\frac{1}{2}$ OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 17 WEST, AND SECTIONS 14, 21, 22, 23, 24 AND 26, TOWNSHIP 19 NORTH, RANGE 18 WEST, G&SRB&M, MOHAVE COUNTY, ARIZONA.

U-1445

IN THE MATTER OF THE PETITION OF ARIZONA WATER COMPANY FOR INCREASE OF AREA TO BE SERVED AT MIAMI, ARIZONA TO INCLUDE BEGINNING AT THE NE CORNER OF SECTION 30, T 1 N, R 15 E; THENCE WESTERLY APPROXIMATELY 3 MILES; THENCE SOUTHERLY APPROXIMATELY 1-1/2 MILES; THENCE WESTERLY APPROXIMATELY 1 MILE; THENCE SOUTHERLY APPROXIMATELY 1/2 MILE; THENCE WESTERLY APPROXIMATELY 1-1/2 MILES TO THE NW CORNER OF SECTION 4, T 1 S, R 14 E; THENCE SOUTHERLY TO THE SW CORNER OF THE NW $\frac{1}{4}$ OF SECTION 9, T 1 S, R 14 E; THENCE EASTERLY TO THE SE CORNER OF THE NE $\frac{1}{4}$ OF SECTION 10, T 1 S, R 14 E; THENCE NORTHERLY TO THE NW CORNER OF SECTION 11, T 1 S, R 14 E; THENCE EASTERLY TO THE SE CORNER OF SECTION 1, T 1 S, R 14 E; THENCE NORTHERLY APPROXIMATELY $\frac{1}{4}$ MILE; thence easterly approximately 1- $\frac{1}{2}$ MILES TO THE SW CORNER OF SECTION 6, T 1 S, R 15 E; THENCE NORTHERLY TO THE POINT OF BEGINNING, ALL G&SRB&M, GILA COUNTY, ARIZONA.

U-1445
Arizona Corporation Commission

DOCKETED

SEP 31 1961

DOCKETED BY

U-1445

IN THE MATTER OF THE PETITION OF ARIZONA WATER COMPANY FOR INCREASE OF AREA TO BE SERVED AT CENTRAL HEIGHTS, ARIZONA DESCRIBED AS BEGINNING AT THE SE CORNER OF THE SW $\frac{1}{4}$ OF SECTION 26, T 1 N, R 15 E; THENCE WESTERLY TO THE SW CORNER OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, SECTION 28, T 1 N, R 15 E; thence NORTHERLY TO THE NW CORNER OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ SECTION 16, T 1 N, R 15 E; THENCE EASTERLY TO THE NE CORNER OF THE SW $\frac{1}{4}$ SECTION 14, T 1 N, R 15 E; THENCE SOUTHERLY TO THE POINT OF BEGINNING, ALL G&SRB&M, GILA COUNTY, ARIZONA.

U-1445

IN THE MATTER OF THE APPLICATION OF ARIZONA WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO SERVE THE VICINITY OF FLORENCE JUNCTION, ARIZONA DESCRIBED AS BEGINNING AT THE NE CORNER OF SECTION 1, T 2 S, R 10 E; THENCE WESTERLY TO THE NW CORNER OF SECTION 1, T 2 S, R 9 E; SOUTHERLY TO THE SW CORNER OF SECTION 36, T 2 S, R 9 E; THENCE EASTERLY TO THE SE CORNER OF SECTION 36, T 2 S, R 10 E; THENCE NORTHERLY TO THE POINT OF BEGINNING, ALL G&SRB&M, PINAL COUNTY, ARIZONA.

U-1799

IN THE MATTER OF THE APPLICATION OF RAINBOW VALLEY IRRIGATION COMPANY, AN ARIZONA CORPORATION, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO OPERATE A MUTUAL IRRIGATION WATER SYSTEM TO SERVE SECTION 14; NE $\frac{1}{4}$ and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SECTION 15; SECTION 22; E $\frac{1}{2}$ OF SECTION 23; E $\frac{1}{2}$ OF SECTION 25; W $\frac{1}{2}$ OF SECTION 26; SECTION 27; SE $\frac{1}{4}$ OF SECTION 34 and the SW $\frac{1}{4}$ OF SECTION 35, ALL T 2 S, R 2 W, G&SRB&M, MARICOPA COUNTY, ARIZONA.

DOCKET NO.

CASE

U-1800

IN THE MATTER OF THE APPLICATION OF DOODLEBUG WATER COMPANY, AN ARIZONA NON-PROFIT CORPORATION, FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONSTRUCT, OPERATE AND MAINTAIN A MUTUAL WATER SYSTEM FOR THE PURPOSE OF FURNISHING DOMESTIC WATER TO ITS MEMBERS IN OAK CLIFFS SUBDIVISION AND OTHER AREA DESCRIBED AS ALL THAT PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 6 EAST, OF THE G&SRB&M, COCONINO COUNTY, ARIZONA, LYING WEST OF THE CENTER LINE OF OAK CREEK, AND SPECIFICALLY INCLUDING ALL OF OAK CREEK CLIFFS, A SUBDIVISION AS SHOWN BY MAP OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, COCONINO COUNTY, ARIZONA, CASE 1 OF MAPS, MAP 101, AND OF SUCH OTHER PROPERTY NEAR OR ADJACENT THERETO AS MAY BE DESIGNATED BY THE BY LAWS OF THE CORPORATION.

U-1801

IN THE MATTER OF THE APPLICATION OF OVERGAARD WATER COMPANY FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONSTRUCT, OPERATE AND MAINTAIN A DOMESTIC WATER SYSTEM IN THE AREA DESCRIBED AS ALL OF SECTION 33, T 12 N, R 17 E, EXCEPT THAT PORTION, IF ANY SERVED BY McNARY UTILITIES CO.; THE EAST HALF (E $\frac{1}{2}$) OF SECTION 32, T 12 N, R 17 E, EXCEPT THAT PORTION SERVED BY McNARY UTILITIES CO.; AND THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 29, T 12 N, R 17 E, G&SRB&M, NAVAJO COUNTY, ARIZONA.

DATED at Phoenix, Arizona this 31st day of August, 1961.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

FRANCIS J. BYRNES
SECRETARY

Notices mailed to following, for hearing of 9-11-61.

Earl Carroll
Max A. Springer - Box 488 - Peoria
Hemrich J. Thiels - Box 488 - Peoria
Mohave County Board of Supervisors - Kingman
Sacramento Valley Water Co, c/o George M. Hill
Walter E. Craig - Arthur Johnson, from Fennemore, Craig, Allen & McClennen
Carl Schmidt - Arizona Water Co.
Arizona Water Co. - Miami
Citizens Utilities Co, Attn: John Gibbs
East Globe Water Co, c/o Navor Proctor
Louis B. Ellsworth, Sr. - Globe
Hagan Const. dba Pueblo Water Co. - Globe
Westover, Mansfield, Westover & Coppie - Box 351 - Yuma, Attn: Mr. Coppie
Yuma County Board of Supr.
Rainbow Valley Irrigation Co- c/o Wm. P. Coppie
Doodlebug Water Company c/o E. V. Staude - Sedona
" " " c/o Marguerite B. Staude - Sedona
" " " c/o L. G. Haunz - Sedona
James Norbis - Sedona Water Company - Sedona
Coconino County Board of Supervisors - Flagstaff
Oak Creek Heights Water Assoc. c/o Walter Zaharek, Sedona
Favour & Quail - Attn. John M. Favour
League of Ariz. Cities & Towns Attn: John J. DeBolska
E. R. Orth
Hardy Scott
Mark Grumley
Mertis Rozar
Robert W. Pickrell
State Land Dept. - Attn. Louis Duncan
Daniel E. Moore - Bisbee
Dushan S. Vlahovich - Atty. Bisbee
Lloyd W. Gelder III - Tucson
Hall & Jones - Attn. Mr. Hall, Mr. Jones- Tucson
Langmade & Langmade
Robert W. Debelt - Viking Supply Corp. Phoenix
C. C. Childress " " " Tucson
S. H. Ryrle - Arizona Oil Reporter
General Services Administration
Martin T. Farris - A. S. U.
Ralph Painter
Salt River Water Users Assoc. Attn. Robert Moore, Mr. Alexander, F. E. Smith
Bert Smith - Nogales
Merchant, Partman, Miller & Pitt - Attn. J. Emery Barker - Tucson, Henry R. Merchant
Darnell, Holesapple, McFall & Spaid- Attn. Mr. McFall, Holesapple
Celia & Barr Engineers - Tucson
Laney & Laney Attn. Lynn M. Laney
Rank Raymond, Chief Eng. - Maricopa County Mun. Water Cons. Dist. #1 - Peoria
George L. Ellis
Lewis, Ross, Seoville, Beauchamp & Linton Attn. Record Room
Mohave County Miner - Kingman
Arizona Silver Belt - Miami
Gila County Board of Supervisors - Globe
Final " " " - Florence
Maricopa " " " Phoenix
Bur. of Sanitation
James M. Wilson - Atty. Sedona
Arizona News Service - Robert Crighton
John Kendall, Ariz. Mgr. United Press International
E. W. Duhame
A. B. Spector
Mr. H. W. Wittman - Phoenix
M. D. Brown - Atty. Phoenix
Jennings, Strouss, Salmon & Trask Attn. Charles L. Strouss, Jr., R. Jennings,
C. R. Hoover
Mr. L. H. Bell - Phoenix
Newell Kring c/o Goodyear Farms - Litchfield Park
City of Phoenix- Mayer, City Clerk, City Mgr., City Attorney
Mr. P. B. Klutha - Kaiser Steel Corp. Denver
Hunter, Bartlett & Penn - Phoenix
Div. of Water & Sewer Attn. Mr. Travani

Hearing notices for 9-12-31 were sent to the following:

Page 2

Frank G. & Rose H. Fowler - National City, Calif.
Snell & Wilmer - Attn. Mr. Wilmer
S. Paul Ferris - Atty. Phoenix
Hampshire Farms, Inc. - Phoenix
C. E. Palmateer, Mayor - Town of Goodyear
Arlene Russell, City Clerk - City of Chandler
Cunningham, Carson & Messinger Attn. Ed. Lowry
Juanita W. McCartney - Casa Grande
Virgil W. Chandler - Atty. Phoenix
Helen L. Shaw
Gynn, Twitty & Siewright Attn. Mr. Siewright
Mr. & Mrs. T. I. Reynolds - Casa Grande
Clarence B. Nystuen - Casa Grande
Mr. Ivan H. Bullock - Phoenix
Mr. & Mrs. Claud A. Shumard - Phoenix
Scottsdale Progress Attn. Katy Worth
Southwest Lumber Mills, Inc. - McNary
Don G. Pass - Phoenix
" " - Scottsdale
J. A. Armstrong, Mgr. - McNary Utilities Co. - Phoenix
Zane Parham - Overgaard, Arizona
William Ed Cole - Phoenix
Navajo County Board of Supervisors - Holbrook
Roland Fish - McNary
M. D. M. Hater Co. - Ph.

HENRY W. ALLEN
J. EARLY CRAIG
R. H. FENNEMORE
WALTER S. CRAIG
PHILIP E. VON AMMON
LOUIS MCLENNEN
CALVIN H. UDALL
KENT A. BLAKE
ARTHUR M. JOHNSON
B. J. RUMSEY
JOHN J. O'CONNOR III
DANIEL T. BERGIN
LINWOOD PERRINS, JR.
PHILIP J. SHEA

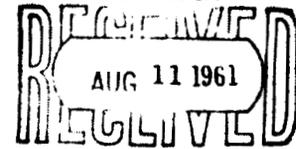
FENNEMORE, CRAIG, ALLEN & MCLENNEN
ATTORNEYS AT LAW
FIRST NATIONAL BANK BUILDING
PHOENIX 4, ARIZONA

ALPINE 4-6441

August 11, 1961

VIRGIL T. BLEDSOE
COUNSEL

ARIZONA CORPORATION
COMMISSION



Director of Utilities

Mrs. Betty Bell
Utilities Division
Arizona Corporation Commission
1688 West Adams
Phoenix, Arizona

Dear Mrs. Bell:

We are handing you herewith original and two copies of the Petition of Arizona Water Company for increase of area to be served at Central Heights and environs.

We will appreciate your filing the Petition in the Docket pertaining thereto and we thank you for your cooperation in the matter.

Very truly yours,

FENNEMORE, CRAIG, ALLEN & MCLENNEN

By

A handwritten signature in cursive script, appearing to read "Arthur M. Johnson".

AMJ: par

Enclosures

ARIZONA CORPORATION
COMMISSION
RECEIVED
AUG 11 1961
RECEIVED
Director of Utilities

BEFORE THE ARIZONA CORPORATION COMMISSION

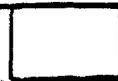
IN THE MATTER OF THE PETITION
OF ARIZONA WATER COMPANY FOR
INCREASE OF AREA TO BE SERVED
AT CENTRAL HEIGHTS, ARIZONA.

Arizona Corporation Commission
DOCKET NO. 6-1449

DOCKETED

AUG 11 1961

DOCKETED BY



COMES NOW, ARIZONA WATER COMPANY and respectfully
shows that heretofore a Certificate of Convenience and
Necessity was issued Petitioner to serve the area of the
said Central Heights and environs in the County of Gila,
Arizona.

Due to the growth of said area, Petitioner
respectfully requests that said area be expanded in accord
with Exhibit "A" attached hereto and made a part hereof,
said area to be served by Petitioner in accord with the laws
of the State of Arizona, and the regulations of the Arizona
Corporation Commission and at the rates heretofore set by
the Commission as are now prevailing in said area to be
enlarged and subject to further orders of the Commission in
connection therewith.

DATED this 10th day of August, 1961.

Respectfully submitted,

ARIZONA WATER COMPANY

By FENNEMORE, CRAIG, ALLEN & McLENNEN

By

Ninth Floor
First National Bank Bldg.
Phoenix, Arizona
Attorneys for Petitioner

Arizona Corporation Commission

TITLE

| Date | Proceedings in Cases, Orders, Etc. |
|------|---|
| 8 11 | Appl. filed for increase of area to be served at Central Heights, Arizona described as beginning at the SE corner of the SW $\frac{1}{4}$ of Sec. 26, T 1 N, R 15 E; thence westerly to the SW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 28, T 1 N, R 15 E; thence northerly to the NW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16, T 1 N, R 15 E; thence easterly to the NE corner of the SW $\frac{1}{4}$ of Sec. 14, T 1 N, R 15 E; thence southerly to the point of beginning, all in G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., GILA County, Arizona. |
| 8 31 | Hearing on above application set for 9-11-61, in Phoenix, notices mailed on 8-31-61. |
| 8 15 | Application filed for C of C & N to serve the vicinity of Florence Junction, Arizona, described as the beginning at the NE corner of Sec. 1, T 2 S, R 10 E; thence westerly to the NW corner of Sec. 1 T 2 S, R 9 E; southerly to the SW corner of Sec. 16, T 2 S, R 9 E; thence easterly to the SE corner of Sec. 16, T 2 S, R 10 E; thence northerly to the point of beginning, all G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., Pinal County, Arizona. |
| 8 31 | Hearing on above appl. set for 9-11-61 in Phx. notices mailed on 8-31-61. |
| 9 5 | Hearing reset on abv. appl. for add. terr. which originally set for 5/16/61 in Tucson and continued & reset for 9/11/61 in Phoenix & notices mailed 9/5/61. |
| 8 29 | Letter filed 8-29 requesting to delete from C of C & N the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 12 T 6 S, R 6 E, G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., Pinal County, Arizona. |
| 9 8 | Opinion & Order Decision No. 33397 granted above request to delete the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 12, T 6 S, R 6 E, G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., Pinal County, Arizona. |
| 8 6 | Letter filed requesting to delete from C of C & N the NE $\frac{1}{4}$ of Sec. 4, T 6 S, R 6 E, G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., Pinal County in Casa Grande. |
| 9 8 | Opn. & Ord. Dec. No. 33399 grntd request to delete NE $\frac{1}{4}$ of Sec. 4, T 6 S, R 6 E, G $\frac{1}{4}$ SRB $\frac{1}{4}$ M., Pinal County, Arizona. |

TITLE

ARIZONA WATER COMPANY

DOCKET NO.

U-1445

1951

Proceedings in Cases, Orders, Etc.

Date
1951

- 9 20 Opn & Ord, Dec. 33421, grnt. C of C&N on area in Gila Co., Ariz. as hereinbefore described.
- 9 20 Opn & Ord, Dec. 33422, grnt. C of C&N on area in Pinal Co., Ariz. as hereinbefore described.
- 9 20 Opn & Ord, Dec. No. 33423, grnt. C of C&N on area in vicinity of Florence Junction in Pinal Co., Ariz. as hereinbefore described.
- 9 20 Opn & Ord, Dec. 33424, grnt. C of c&n on area hereinbefore described in Gila Co., Arizona.
- 11 5 Appl. filed for authority to purchase McNary Utilities Company and Overgaard Water Company.
- 11 3 Hearing on adv. appl. held in Phx. on 11/3/61.
- 11 13 Opn & Ord, Dec. 33491, granting above appl. as prayed for.
- 11 7 Opn & Ord, Dec. No. 33496, deleting the E₂ of SW₁ and that portion of E₂ of SW₁ of Sec. 21 lying N. of S.P.C. R/W, all T 1 N, R 15 E, G&SRB&M, Gila Co., Ariz. pursuant to letter from Carl Schmidt, V. P. & Gen. Mgr., as same area was already certificated to Citizens Utilities Co.
- 11 17 Appl. filed for auth. to issue & sell \$4,700,000 of first Mortgage Bonds.
- 11 7 Hearing on adv. set for 11/21/61 in Phx. & notification to atty. given.
- 11 21 Opn & Ord, Dec. No. 33501, grnt. adv. appl. to issue & sell \$4,700,000 1st Mortgage Bonds as prayed for.

1959

- 5 19 Appl. filed for determination of valuation of Company's properties at Superior & determination of needed earnings requirements