

ORIGINAL



RECEIVED

1 SHAPIRO LAW FIRM, P.C. CORP COMMISSION
Jay L. Shapiro (No. 014650) DOCKET CONTROL
2 1819 E. Morten Avenue, Suite 280
Phoenix, Arizona 85020
3 Telephone (602) 559-9575

2015 MAY 5 PM 4:42

4 Attorneys for Navajo Water Co., Inc.

5 **BEFORE THE ARIZONA CORPORATION COMMISSION**

6 IN THE MATTER OF THE APPLICATION
7 OF NAVAJO WATER CO., INC., AN
ARIZONA CORPORATION, FOR A
8 DETERMINATION OF THE FAIR VALUE
9 OF ITS UTILITY PLANTS AND
PROPERTY AND FOR INCREASES IN ITS
10 WATER RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

DOCKET NO: W-03511A-14-0304

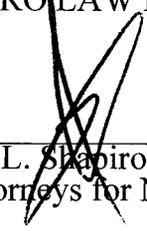
NOTICE OF COMPLIANCE

11
12 Navajo Water Co., Inc. (the "Company") hereby submits this Notice of
13 Compliance with Decision No. 75038 (April 23, 2015). Decision No. 75038 requires
14 the Company to file revised schedules of rates and charges. See **Exhibit A**.

15 Also in accordance with Decision No. 75038, on April 24, 2015 the Company
16 notified customers of the new rates and charges, and the approved Best Management
17 Practices Tariffs. The affidavit of Jason P. Williamson is attached as **Exhibit B**.

18 RESPECTFULLY SUBMITTED this 5th day of May, 2015.

19 SHAPIRO LAW FIRM, P.C.

20
21 By 
22 Jay L. Shapiro
23 Attorneys for Navajo Water Co., Inc.

22 Arizona Corporation Commission
23 **DOCKETED**
24 MAY 05 2015

25 DOCKETED BY 

1 **ORIGINAL** and thirteen (13) copies
2 of the foregoing were filed
3 this 5th day of May, 2015, with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 W. Washington Street
6 Phoenix, AZ 85007

6 **COPY** of the foregoing was hand-delivered
7 this 5th day of May, 2015, to:

7 Teena Jibilian, ALJ
8 Hearing Division
9 Arizona Corporation Commission
10 1200 W. Washington Street
11 Phoenix, AZ 85007

11 **COPY** of the foregoing was e-mailed & hand-delivered
12 this 5th day of May, 2015, to:

12 Robin Mitchell
13 Legal Division
14 Arizona Corporation Commission
15 1200 W. Washington Street
16 Phoenix, AZ 85007
17 rtmitchell@azcc.gov

15 **COPY** of the foregoing was e-mailed & mailed
16 this 5th day of May, 2015, to:

17 Robert T. Hardcastle
18 Brooke Utilities, Inc.
19 P.O. Box 82218
20 Bakersfield, CA 93380
21 rth@brookeutilities.com

20 By: Whitney Birk
21
22
23
24
25
26

EXHIBIT A

Applies to all service areas
STATEMENT OF CHARGES

I. RATES

In Decision No. 75038, dated April 23, 2015, the Commission approved the following rates and charges **effective for all service provided on and after May 1, 2015:**

A. Monthly Usage Charges

<u>Meter Size</u>	<u>Minimum Charge</u>
5/8" x 3/4" Meter	\$ 27.30
3/4" Meter	43.80
1" Meter	76.80
1 1/2" Meter	159.30
2" Meter	258.30
3" Meter	522.30
4" Meter	819.30
6" Meter	1,644.30

Issued: May 5, 2015

Effective: May 1, 2015

ISSUED BY:

Jason Williamson
 Navajo Water Co., Inc.
 7581 E. Academy Boulevard, Suite 229
 Denver, Colorado 80230
 (720) 949-1384

Applies to all service areas
STATEMENT OF CHARGES

B. Commodity Rates (per 1,000 gallons)

<u>Meter Size</u>	<u>Consumption</u>	<u>Charge</u>
5/8" x 3/4" & 3/4" Meter – Residential	0 - 2,000 Gallons	\$4.50
	2,001 - 8,000 Gallons	6.40
	Over 8,000 Gallons	7.69
3/4" Meter – Commercial & Industrial	0 - 2,000 Gallons	4.50
	2,001 - 8,000 Gallons	6.40
	Over 8,000 Gallons	7.69
1" Meter – Residential, Commercial & Industrial	0 - 20,000 Gallons	6.40
	Over 20,000 Gallons	7.69
1 1/2" Meter – Residential, Commercial & Industrial	0 - 50,000 Gallons	6.40
	Over 50,000 Gallons	7.69
2" Meter – Residential, Commercial & Industrial	0 - 80,000 Gallons	6.40
	Over 80,000 Gallons	7.69
3" Meter – Residential, Commercial & Industrial	0 - 150,000 Gallons	6.40
	Over 150,000 Gallons	7.69
4" Meter – Residential, Commercial & Industrial	0 - 300,000 Gallons	6.40
	Over 300,000 Gallons	7.69
6" Meter – Residential, Commercial & Industrial	0 - 500,000 Gallons	6.40
	Over 500,000 Gallons	7.69

Issued: May 5, 2015

Effective: May 1, 2015

ISSUED BY:

Jason Williamson
 Navajo Water Co., Inc.
 7581 E. Academy Boulevard, Suite 229
 Denver, Colorado 80230
 (720) 949-1384

Applies to all service areas
STATEMENT OF CHARGES

C. **Service Line and Meter Installation Charges**

(Refundable pursuant to A.A.C. R14-2-405)

<u>Service Size</u>	<u>Service Line</u>	<u>Meter</u>	<u>Total</u>
5/8 x 3/4" Meter	\$ 415.00	\$ 105.00	\$ 520.00
3/4" Meter	415.00	205.00	620.00
1" Meter	465.00	265.00	730.00
1 1/2" Meter	520.00	475.00	995.00
2" Meter	800.00	995.00	1,795.00
3" Meter	1,015.00	1,620.00	2,635.00
4" Meter	1,430.00	2,570.00	4,000.00
6" Meter	2,150.00	4,925.00	7,075.00

Issued: May 5, 2015

Effective: May 1, 2015

ISSUED BY:

Jason Williamson
 Navajo Water Co., Inc.
 7581 E. Academy Boulevard, Suite 229
 Denver, Colorado 80230
 (720) 949-1384

Applies to all service areas
STATEMENT OF CHARGES

D. Service Charges

<u>Service</u>	<u>Charge</u>
Establishment	\$25.00
Reconnection (Delinquent)	20.00
After Hours Service Charge	35.00
Meter Test (If Correct)	25.00
Meter Re-Read (If Correct)	25.00
NSF Check	17.50
Deposit	*
Deposit Interest (Per Year)	*
Re-establishment (Within 12 months)	**
Deferred Payment (Per Month)	1.50%
Late Payment Charge (Per Month)	1.50%

* Pursuant to Rule A.A.C. R14-2-403(B).

** Months off system times the monthly minimum pursuant to A.A.C. R14-2-403D(5).

In addition to the collection of regular rates, the utility will collect from its customers a proportionate share of any privilege, sales, use, and franchise tax, per Commission Rule A.A.C. 14-2-409D(5).

ISSUED BY:

Jason Williamson
 Navajo Water Co., Inc.
 7581 E. Academy Boulevard, Suite 229
 Denver, Colorado 80230
 (720) 949-1384

Applies to all service areas

TERMS AND CONDITIONS OF SERVICE TARIFF

- 1.0 **Applicability.** This Terms and Conditions of Service Tariff applies to all services provided by the Company.
- 2.0 **Adoption of Rules.** For potable water service, the Company adopts the Rules of the Arizona Corporation Commission for water service (A.A.C. R14-2-401 to R14-2-411), as supplemented by this Tariff.
- 3.0 **Special provisions for non-potable water service.**
- 3.1 **"Non-potable water service"** means the delivery of water, other than water for human consumption or recycled water.
- 3.2 The following provisions apply to non-potable water service.
- 3.2.1 **Establishment of service.** Establishment of non-potable water service will be in accordance with A.A.C. R14-2-403.
- 3.2.2 **Customer information.** The Company will provide the information to non-potable water customers as required in R14-2-404.
- 3.2.3 **Main extensions.** Main extensions for non-potable water service will be subject to the requirements of A.A.C. R14-2-406.
- 3.2.4 **Provision of Service.** Non-potable water service will be subject to the requirements of A.A.C. R14-2-407, except that R14-2-407(E), Minimum Deliver Pressure shall not apply because non-potable water is an unpressurized service.
- 3.2.5 **Meter reading.** Meter reading for non-potable water service will be subject to the requirements of A.A.C. R14-2-408.
- 3.2.6 **Billing.** Billing and collection for non-potable water service will be subject to the requirements of A.A.C. R14-2-409.
- 3.2.7 **Termination of service.** Termination of service for non-potable water service will be subject to the requirements of A.A.C. R14-2-410.

ISSUED BY:

Jason Williamson
Navajo Water Co., Inc.
7581 E. Academy Boulevard, Suite 229
Denver, Colorado 80230
(720) 949-1384

4.0 **Electronic Billing.** Electronic Billing is an optional billing service whereby Customers may elect to receive, view, and pay their bills electronically. The Company may modify its Electronic Billing services from time to time. A Customer electing an electronic billing service may receive an electronic bill in lieu of a paper bill. Customers electing an electronic billing service may be required to complete additional forms and agreements. Electronic Billing may be discontinued at any time by the Company or the Customer. An Electronic Bill will be considered rendered at the time it is electronically sent to the Customer. Failure to receive bills or notices which have been properly sent by an Electronic Billing system does not prevent these bills from becoming delinquent and does not relieve the Customer of the Customer's obligations therein. Any notices which the Company is required to send to a Customer who has elected an Electronic Billing service may be sent by electronic means at the option of the Company. Except as otherwise provided in this section, all other provisions of the Company's tariffs and the Commission's Rules and Regulations are applicable to Electronic Billing. The Customer must provide the Company with a current email address for electronic bill delivery. If the Electronic Bill is electronically sent to the Customer at the email address that Customer provided to the Company, then the Electronic Bill will be considered properly sent. Further, the Customer will be responsible for updating the Company with any changes to this email address. Failure to do so will not excuse the Customer from timely paying the Company for utility service.

5.0 **Liability.**

5.1 **Water pressure for Private Fire Service and Public Fire Hydrant Service.** The Company will supply only such water at such pressures as may be available from time to time as a result of the normal operation of its water system. The Company does not guarantee a specific water pressure or gallons per minute flow rate at any public fire hydrant or private fire service. In the event service is interrupted or irregular or defective or fails from causes beyond the Company's control or through ordinary negligence of its employees or agents, the Company will not be liable for any injuries or damages arising therefrom. Ratepayers shall not be required to reimburse through rates, damages from the acts or omissions of the Company, its principals, agents or employees.

5.2 **Limitation of Company responsibility.** The Company does not assume the responsibility of inspecting or maintaining any customer's piping or apparatus and will not be responsible therefor; however, the Company reserves the right to refuse water service unless the customer's piping or apparatus is installed in such manner as to prevent cross connections or backflow into the Company's system in compliance with the Company's Cross-Connection/Backflow Tariff as approved by the Commission.

ISSUED BY:

Jason Williamson
Navajo Water Co., Inc.
7581 E. Academy Boulevard, Suite 229
Denver, Colorado 80230
(720) 949-1384

- 5.3 **Third party claims.** Company will not be responsible for any third-party claims against Company that arise from Customer's use of Company's utility service unless such claims are caused by the Company's willful misconduct or gross negligence.
- 5.4 **Indemnity.** Customer will indemnify, defend and hold harmless the Company (including the costs of reasonable attorney's fees) against all claims (including, without limitation, claims for damages to any business or property, or injury to, or death of, any person) arising out of any wrongful act or negligent omission of the Customer, or the Customer's agents, in connection with the Company's service or facilities.
- 5.5 **Limitation of damages.** The liability of the Company for damages of any nature arising from errors, mistakes, omissions, interruptions, or delays of the Company, its agents, servants, or employees, in the course of establishing, furnishing, rearranging, moving, terminating, or changing the service or facilities or equipment shall not exceed an amount equal to the charges applicable under the Company's tariff (calculated on a proportionate basis where appropriate) to the period during which the error, mistake, omission, interruption or delay occurs, except if such damages are caused by the Company's willful misconduct or gross negligence.
- 5.6 **Incidental, indirect, special, or consequential damages.** In no event will the Company be liable for any incidental, indirect, special, or consequential damages (including lost revenue or profits) of any kind whatsoever regardless of the cause or foreseeability thereof.
- 5.7 **Interference with Company facilities.** The Company will not be responsible in any occasion for any loss or damage caused by the negligence or wrongful act of the Customer or any of his agents, employees or licensees in installing, maintaining, using, operating or interfering with any Company facilities.

ISSUED BY:

Jason Williamson
Navajo Water Co., Inc.
7581 E. Academy Boulevard, Suite 229
Denver, Colorado 80230
(720) 949-1384

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

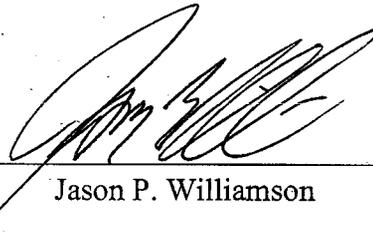
AFFIDAVIT OF JASON P. WILLIAMSON

Jason P. Williamson, being duly sworn, deposes and says:

1. I am a resident of Denver County, over 18 years of age, and make this affidavit based on my own personal knowledge.

2. I am manager of Navajo Water Co., Inc. (the "Company").

3. Pursuant to Decision No. 75038 (April 23, 2015), on April 24, 2015 the Company mailed to customers the notice which set forth the new rates and charges and their effective date, and referenced the approved Best Management Practices Tariffs. A copy of the notice is attached as **Exhibit 1**.

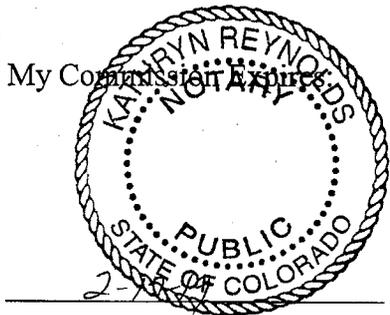


Jason P. Williamson

SUBSCRIBED and sworn to before me this 5th day of May, 2015.



Notary Public



My Commission Expires 2-17-19

My Commission Expires 2-17-19

EXHIBIT 1

NAVAJO WATER CO., INC.
DOCKET NO. W-03511A-14-0304

NEW RATES

Effective as of May 1, 2015

On August 15, 2014, Navajo Water Co., Inc. (the "Company") filed a rate application with the Arizona Corporation Commission ("Commission"). The Company requested a rate increase that would produce a just and reasonable rate of return. At the conclusion of this rate proceeding, the Commission issued Decision No. 75038 ("Decision"), authorizing increases for the Company. The rates approved will result in the following increases for typical residential customers:

A 5/8 x 3/4-inch metered residential water customer, with an **average** use of 3,044 gallons per month, will experience an **increase** of \$16.13, from \$26.85 per month to \$42.98 per month, or 60.1 percent.

A 5/8 x 3/4-inch metered residential water customer, with a **median** use of 1,761 gallons per month, will experience an **increase** of \$12.87, from \$22.35 per month to \$35.22 per month, or 57.6 percent.

MONTHLY USAGE CHARGE

<u>METER SIZE</u>	<u>CHARGE</u>
5/8 x 3/4" Meter	\$ 27.30
3/4" Meter	43.80
1" Meter	76.80
1 1/2" Meter	159.30
2" Meter	258.30
3" Meter	522.30
4" Meter	819.30
6" Meter	1,644.30

COMMODITY CHARGE (per 1,000 gallons of water)

<u>METER SIZE</u>	<u>CHARGE</u>	<u>METER SIZE</u>	<u>CHARGE</u>
5/8 x 3/4" Meter & 3/4" Meter (Res.) 0 - 2,000 Gallons 2,001 to 8,000 Gallons Over 8,000 Gallons	\$4.50	2" Meter (Res. Comm. & Indus.) 0 - 80,000 Gallons	\$6.40
	6.40	Over 80,000 Gallons	7.69
	7.69	3" Meter (Res., Comm. & Indus.) 0 - 150,000 Gallons	6.40
3/4" Meter (Comm. & Indus.) 0 - 2,000 Gallons 2,001 to 8,000 Gallons Over 8,000 Gallons	4.50	Over 150,000 Gallons	7.69
	6.40	4" Meter (Res., Comm. & Indus.) 0 - 300,000 Gallons	6.40
	7.69	Over 300,000 Gallons	7.69
1" Meter (Res., Comm. & Indus.) 0 - 20,000 Gallons Over 20,000 Gallons	6.40	6" Meter (Res., Comm. & Indus.) 0 - 500,000 Gallons	6.40
	7.69	Over 500,000 Gallons	7.69
1 1/2" Meter (Res., Comm. & Indus.) 0 - 50,000 Gallons Over 50,000 Gallons	6.40		
	7.69		

NAVAJO WATER CO., INC.
DOCKET NO. W-03511A-14-0304

OTHER SERVICE CHARGES

<u>SERVICE</u>	<u>CHARGE</u>
Establishment	\$25.00
Reconnection (Delinquent)	20.00
After Hours Service Charge	35.00
Meter Test (if correct)	25.00
Meter Re-Read (if correct)	25.00
NSF Check	17.50
Deposit	*
Deposit Interest (per year)	*
Reestablishment (within 12 months)	**
Deferred Payment (per month)	1.50%
Late Payment Charge (per month)	1.50%
<p>*Pursuant to A.A.C. R14-2-403(B). **Months off system times the monthly minimum pursuant to A.A.C. R14-2-403(D).</p> <p>In addition to the collection of regular rates, the utility will collect from its customers a proportionate share of any privilege, sales, use, and franchise tax, per Commission Rule A.A.C. 14-2-409(D)(5).</p>	

SERVICE AND METER INSTALLATION CHARGES

<u>METER SIZE</u>	<u>CHARGE</u>		
	<u>Service Line</u>	<u>Meter</u>	<u>Total Charges</u>
5/8 x 3/4" Meter	\$ 415.00	\$ 105.00	\$ 520.00
3/4" Meter	415.00	205.00	620.00
1 Meter	465.00	265.00	730.00
1 1/2" Meter	520.00	475.00	995.00
2" Meter	800.00	995.00	1,795.00
3" Meter	1,015.00	1,620.00	2,635.00
4" Meter	1,430.00	2,570.00	4,000.00
6" Meter	2,150.00	4,925.00	7,075.00

The Decision also authorized the Company to implement Best Management Practices Tariffs. The purpose of these tariffs is to help promote water conservation. They are available to any customer upon request.

Questions should be directed to Navajo Water Co., Inc.

**7581 E. Academy Boulevard, Suite 229,
Denver, Colorado 80230
telephone no. (888) 644-6771 (TOLL FREE)
info@jwwater.net**