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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

AZ CORP COMMISSION  
DOCKET CONTROL

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

DOCKETED

MAY 28 2015

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DOCKETED BY	DAB
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IN THE MATTER OF THE APPLICATION OF  
NEW LIFE TRUST, INC., DBA DATELAND  
UTILITIES FOR APPROVAL OF THE SALE OF  
ITS ASSETS AND TRANSFER OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO DATELAND WATER, LLC.

DOCKET NO. W-20395A-05-0536

PROCEDURAL ORDER

**BY THE COMMISSION:**

On April 12, 2006, the Arizona Corporation Commission ("Commission") issued Decision No. 68656 conditionally approving the application of New Life Trust, Inc., dba Dateland Utilities ("New Life") to sell its assets to Dateland Water, LLC ("Dateland" or "Company").<sup>1</sup>

Decision No. 68656 approved New Life's application requesting authority to sell its assets to Dateland and requiring Dateland to comply with various conditions.<sup>2</sup> Further, the Decision required Staff to file within 180 days of the effective date of the Decision, a recommendation in the docket regarding whether the prior Certificate of Convenience and Necessity ("CC&N") granted to New Life should be reinstated or whether Dateland should be required to file an application for a new CC&N.<sup>3</sup>

On September 27, 2007, Staff filed a memorandum stating that ADEQ issued a Drinking Water Compliance Status Report indicating that Dateland's water system was in full compliance with

<sup>1</sup> New Life's transfer application was filed under Docket No. 20378A-05-0536. A final compliance memorandum was filed on August 5, 2008, and that docket is closed.

<sup>2</sup> Dateland was required to: 1) submit monthly lab results, beginning February 2006, for the total coliform analysis required by ADEQ; 2) abide by a moratorium on water service hookups; 3) file as a compliance item the Approval to Construct issued by Arizona Department of Environmental Quality ("ADEQ") for its proposed water treatment plant by September 30, 2006; 4) file a Curtailment Plan Tariff for the Commission's Utilities Division ("Staff") review and approval within 30 days of the effective date of the Decision; and 5) file an arsenic remediation plan within 30 days of the effective date of the Decision.

<sup>3</sup> In Decision No. 65649 (February 18, 2003) the Commission revoked New Life's CC&N for failure to file its 2001 Annual Report with the Commission. On July 1, 2005, New Life filed (in Docket No. W-20378A-05-0485) an application requesting that the Commission reinstate its CC&N. New Life subsequently withdrew its application to reinstate its CC&N and Docket No. W-20378A-05-0485 was administratively closed.

1 reporting and monitoring and that the system was delivering water that met water quality standards.<sup>4</sup>  
2 Based on the ADEQ Compliance Report, Staff recommended that Dateland file an application for a  
3 new CC&N and include in its CC&N application the areas where the Company is currently providing  
4 service, where the Company had installed facilities to provide service, where the Company had  
5 received requests for service, and discussing the Company's plans to provide service in the future.

6 This docket has remained open in order for Dateland to meet the conditions outlined in  
7 Decision No. 68656. However, it is unclear whether Dateland has met the conditions outlined in  
8 Decision No. 68656 or filed a new application for a CC&N. Therefore, it is appropriate to require the  
9 Company to update the Commission on whether the Company is providing service in the asset  
10 transfer areas (addressed by Decision No. 68656); whether the Company is operating with or without  
11 a CC&N; whether the Company has begun serving any new areas subsequent to Decision No. 68656;  
12 whether the Company has installed any new facilities to provide service, or received any new  
13 requests for service subsequent to Decision No. 68656; and whether the Company is in compliance  
14 with ADEQ, and the other conditions set forth in Decision No. 68656. It is also reasonable to require  
15 Staff to make a filing providing any recommendations Staff deems necessary.

16 **IT IS THEREFORE ORDERED that Dateland Water, LLC shall file, by June 26, 2015, an**  
17 **update with the Commission discussing whether Dateland Water, LLC is providing service in the**  
18 **transfer areas addressed by Decision No. 68656; whether the Company is operating with or without a**  
19 **CC&N; whether the Company has begun serving any new areas subsequent to Decision No. 68656;**  
20 **whether the Company has installed any new facilities to provide service, or received any new**  
21 **requests for service subsequent to Decision No. 68656; and whether the Company is in compliance**  
22 **with ADEQ, and the conditions set forth in Decision No. 68656.**

23 **IT IS FURTHER ORDERED that Staff shall file, by July 10, 2015, any recommendations**  
24 **Staff deems necessary regarding Dateland Water, LLC's compliance with Decision No. 68656, and**  
25 **responding to any filings made by Dateland Water, LLC.**

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27  
28 <sup>4</sup> Staff cited an ADEQ Compliance Status Report dated September 24, 2007.

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 28<sup>th</sup> day of May, 2015.

5   
6 YVETTE B. KINSEY  
7 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 28<sup>th</sup> day of May, 2015 to:

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