

ORIGINAL

OPEN MEETING AGENDA ITEM



0000163987

BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

AUG 25 2015

RECEIVED

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY TV

IN THE MATTER OF STAFF'S INQUIRY
INTO THE TERMINATION OF
STANDPIPE SERVICE BY JOHNSON
UTILITIES, L.L.C.

DOCKET WS-02987A-15-0284

**JOHNSON UTILITIES SUGGESTED
TEMPORARY ORDER RE HAULED
WATER**

Johnson Utilities, L.L.C. ("Johnson Utilities" or the "Company") hereby files this suggested Temporary Order which it stipulates may be entered in this matter. This suggested order flows from the Open Meeting discussion on August 18, 2015.

PROPOSED TEMPORARY ORDER

Pursuant to stipulation of Johnson Utilities, the Commission enters the following Temporary Order re Hauled Water:

1. This Temporary Order is entered pursuant to the stipulation of Johnson Utilities. It shall not be used in any way as precedent in this or any other matter involving the Company.
2. Professional water haulers ("water haulers) will have access to a secure standpipe at a location selected by Johnson Utilities within the area of its CC&N upon the water haulers:
 - a. Establishing an account with Johnson Utilities;
 - b. Providing certificates of insurance to Johnson Utilities in the minimum amount of \$2 million which names Johnson Utilities as an additional insured;
 - c. Signing an affidavit that the water hauler is in compliance with all applicable Arizona laws (including Arizona Administrative Code, Title 18, Chapter 4) and is using NSF/ANSI approved equipment ;

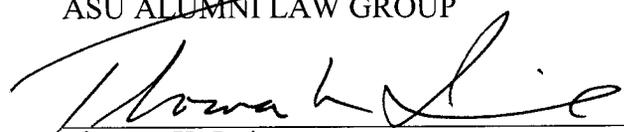
ASU ALUMNI LAW GROUP
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Phoenix, Arizona 85004
602.251.3620

- 1 d. Indemnifying Johnson Utilities from all liability arising in any way from the
2 delivery or use of the water purchased from Johnson Utilities;
- 3 e. Signing an affidavit that no water purchased from Johnson Utilities pursuant to
4 this Temporary Order will be delivered or sold to any person who will use the
5 water outside of the area of the Company's CC&N;
- 6 f. Provide to Johnson Utilities logs of all points of delivery of the water prior to the
7 water hauler's equipment leaving the Johnson Utilities location (if the delivery
8 points differ from the logs, provide an updated log within 24 hours), and
9 g. That the water hauler will comply with paragraph 3 herein.
- 10 3. Temporary Tariff. A "public service corporation" is defined in Article 15, Sec 2 of
11 the Constitution as all "corporations other than municipal engaged in . . . furnishing
12 water for irrigation, fire protection, or other public purposes . . ." A.R.S. § 40-
13 202(A) states, in part:
- 14 The commission may supervise and regulate every public
15 service corporation in the state and do all things, whether
16 specifically designated in this title or in addition thereto,
17 necessary and convenient in the exercise of that power and
18 jurisdiction.
- 19 The water haulers are public service corporations. This Temporary Order hereby
20 establishes a temporary tariff that shall apply to all water haulers who are taking
21 advantage of this Temporary Order. During the term of this temporary tariff, no
22 water hauler shall charge the end user customer of its services a price greater than 2
23 times the cost of the water purchased from Johnson Utilities. By way of example, if
24 the gross cost of the water (including all taxes, fees, etc.) from the Company is \$6.00
25 per thousand gallons the maximum lawful charge to the end user customer shall be
26 \$12.00 per thousand gallons (6 x 2.0 = 12). All water haulers taking advantage of
27 this Temporary Order shall file a notice in this docket of that fact with an attestation
28 that all provisions of this Temporary Order and Arizona law will be followed.
4. This Temporary Tariff shall expire and be of no further effect on November 1, 2015.

1 This suggested Temporary Order incorporates all filings in this docket by the Company in
2 support of its issuance.

3 FILED this 25th day of August, 2015.

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9 Attorneys for Johnson Utilities, L.L.C.

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1 **ORIGINAL** and thirteen (13) copies
filed this 25th day of August, 2015, with:

2 Docket Control
ARIZONA CORPORATION COMMISSION
3 1200 West Washington Street
Phoenix, Arizona 85007

4 **COPIES** of the foregoing hand-delivered
5 this 25th day of August, 2015, to:

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Administrative Law Judge
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