



0000165898

RECEIVED

2015 AUG 24 P 1:13

AZ CORP COMMISSION
DOCKET CONTROL

August 21, 2015

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

ORIGINAL

Arizona Corporation Commission
DOCKETED

AUG 24 2015

DOCKETED BY 

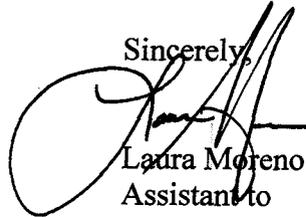
Re: Baca Float Water Company
Docket No. WS 01678A-15-
07-0116

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are the original and (13) copies of Motion for Further Extension of Compliance Filing Date Deadline on behalf of Baca Float Water Company.

Thank you in advance for your assistance. Please advise me if you have any questions.

Sincerely,



Laura Moreno
Assistant to
Lawrence V. Robertson, Jr.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 **COMMISSIONERS**

4 **SUSAN BITTER SMITH, Chairman**
5 **BOB STUMP**
6 **BOB BURNS**
7 **DOUG LITTLE**
8 **TOM FORESE**

9 IN THE MATTER OF THE APPLICATION OF)
10 BACA FLOAT WATER COMPANY FOR AN) DOCKET NO. WS 01678A-15-____
11 EXTENSION OF ITS EXISTING CERTIFICATE)
12 OF CONVENIENCE AND NECESSITY FOR) MOTION FOR FURTHER
13 WATER SERVICE) EXTENSION OF COMPLIANCE
14 FILING DATE DEADLINE

15 **I.**

16 **MOTION FOR FURTHER EXTENSION OF COMPLIANCE FILING DATE DEADLINE**

17 Pursuant to A.A.C. R14-3-106(K), Baca Float Water Company ("Baca Float") hereby
18 moves the Commission for an appropriate form of order or decision further extending from
19 September 30, 2015 to September 30, 2017 the deadline by which Baca Float is required to file an
20 Approval To Construct ("ATC") from the Arizona Department of Environmental Quality
21 ("ADEQ") for the water system facilities needed to serve the first phase of development of the Tres
22 Alamos Ranch project in the vicinity of Tubac, Arizona. The circumstances surrounding the instant
23 Motion are as follows.

24 **II.**

25 **CIRCUMSTANCES SURROUNDING MOTION**

26 On October 30, 2007, the Commission issued its Decision No. 69949 in which it granted
27 Baca Float's February 23, 2007 Application for an extension of the Company's then existing
28 CC&N to provide water service to a contemplated residential community on the Tres Alamos
Ranch. That property is located east of the community of Tubac, Arizona, immediately adjacent to

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

1 Baca Float's original certificated water service area; and, in early 2007 it was anticipated that
2 residential construction in Tres Alamos Ranch would begin on or about November 1, 2008. In that
3 regard, in the years immediately preceding 2007, the Tubac area had experienced substantial
4 residential and commercial development; and, the aerial photographs depicted in Appendix "A"
5 hereto show Tres Alamos Ranch is directly adjacent to some of that development.
6

7 As the Commission is fully aware, the 2008 financial crisis and the ensuing severe and
8 prolonged economic recession substantially impacted the development and home construction
9 industries throughout the State of Arizona, and the Tubac area was no exception. In fact, rural
10 areas such as Tubac were perhaps even more adversely affected than urban areas, and have taken
11 longer to recover from the after effects of the "Great Recession." As a consequence, Baca Float has
12 on three (3) previous occasions requested an extension of the deadline date for filing the
13 aforementioned ATC with the Commission; and, in each instance, the Commission has been
14 understanding and granted those requests. [See Decision Nos. 71437, 72677 and 74373].
15

16 At the time that Decision No. 74373 was issued on February 26, 2014, the Tres Alamos
17 Ranch property was in escrow, and it was anticipated that the approvals necessary to allow the
18 commencement of construction "should be in place by April 2015 and the ATC could be filed
19 shortly thereafter." [Decision No. 74373 at page 2, lines 10-13] Unfortunately, due to
20 circumstances beyond the control of both the owner of Tres Alamos Ranch and Baca Float, that
21 sale did not proceed to closing. In that regard, attached hereto as Appendix "B" is a copy of a July
22 17, 2015 letter from Gary T. Smith of Jakoke Real Estate Services which explains why the
23 aforesaid sale did not occur. Equally important in the context of the instant Motion is Mr. Smith's
24 expression of a positive outlook for the sale and development of the Tres Alamos Ranch property
25 in the future.
26
27
28

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

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
27
28

In connection with the foregoing, attached hereto as Appendix "C" is a copy of a July 21, 2015 letter from Gary Brasher, Associate Broker for Russ Lyon/Sotheby's International, a prestigious and very successful national real estate firm, which now has the listing for the Tres Alamos Ranch. As may be noted, Mr. Brasher has 34 years of experience in the real estate market in the Tubac and southern Arizona areas; and, it is his professional opinion that the Tubac area has tangibly begun to recover from the prolonged effects of the "Great Recession."

A further consideration material to the instant Motion is the fact that the Tres Alamos Ranch, in addition to being directly adjacent to the reknown riparian Cottonwood and Willow "forest" which straddles the Santa Cruz River in the Tubac area, has high quality structures and improvements already in place which will serve as part of the community center complex for future homeowners in the Tres Alamos Ranch development. In that regard, attached hereto as Appendix "D" are a series of 8"x10" color photographs which depict the exterior and interior of the main ranch house and adjacent guest quarters, and equestrian facilities. In addition, these structures are located on a lovely lake in a pastoral setting, as also depicted in Appendix "D". Thus, these are infrastructure and developmental improvements and amenities that are already in place, as noted by Mr. Smith in his aforementioned letter.

Finally, attached hereto as Appendix "E" is a copy of a July 22, 2015 letter from Silverleaf Acquisitions Holdings (the current owner of Tres Alamos Ranch) reiterating its desire that Baca Float continue to be the certificated water service provider for Tres Alamos Ranch. In that regard, as evidenced by the instant Motion, Baca Float continues in its desire to be authorized to perform that role.

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

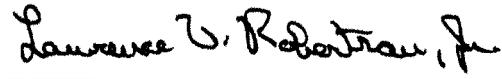
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.
REQUEST FOR RELIEF

Accordingly, by means of this Motion, Baca Float is hereby requesting that the Commission issue an appropriate form of order or decision extending the deadline date for filing the aforementioned ATC for the water system facilities needed to serve the first phase of development of Tres Alamos Ranch from September 30, 2015 to September 30, 2017. In that regard, current ratepayers would not be adversely affected by the extension requested.

DATED this 21 day of August, 2015.

Respectfully submitted,



Lawrence V. Robertson, Jr.

Attorney for Baca Float Water Company

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW
P. O. Box 1448
Tubac, Arizona 85646

1 ORIGINAL and thirteen (13) copies of
2 the foregoing Motion will be mailed the
3 21 day of August, 2015 to Docket
4 Control

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington
7 Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

7 A copy of the foregoing Motion will be
8 emailed/mailed that same date to:

8 Thomas Broderick, Director
9 Utilities Division
10 Arizona Corporation Commission
11 1200 West Washington Street
12 Phoenix, Arizona 85007

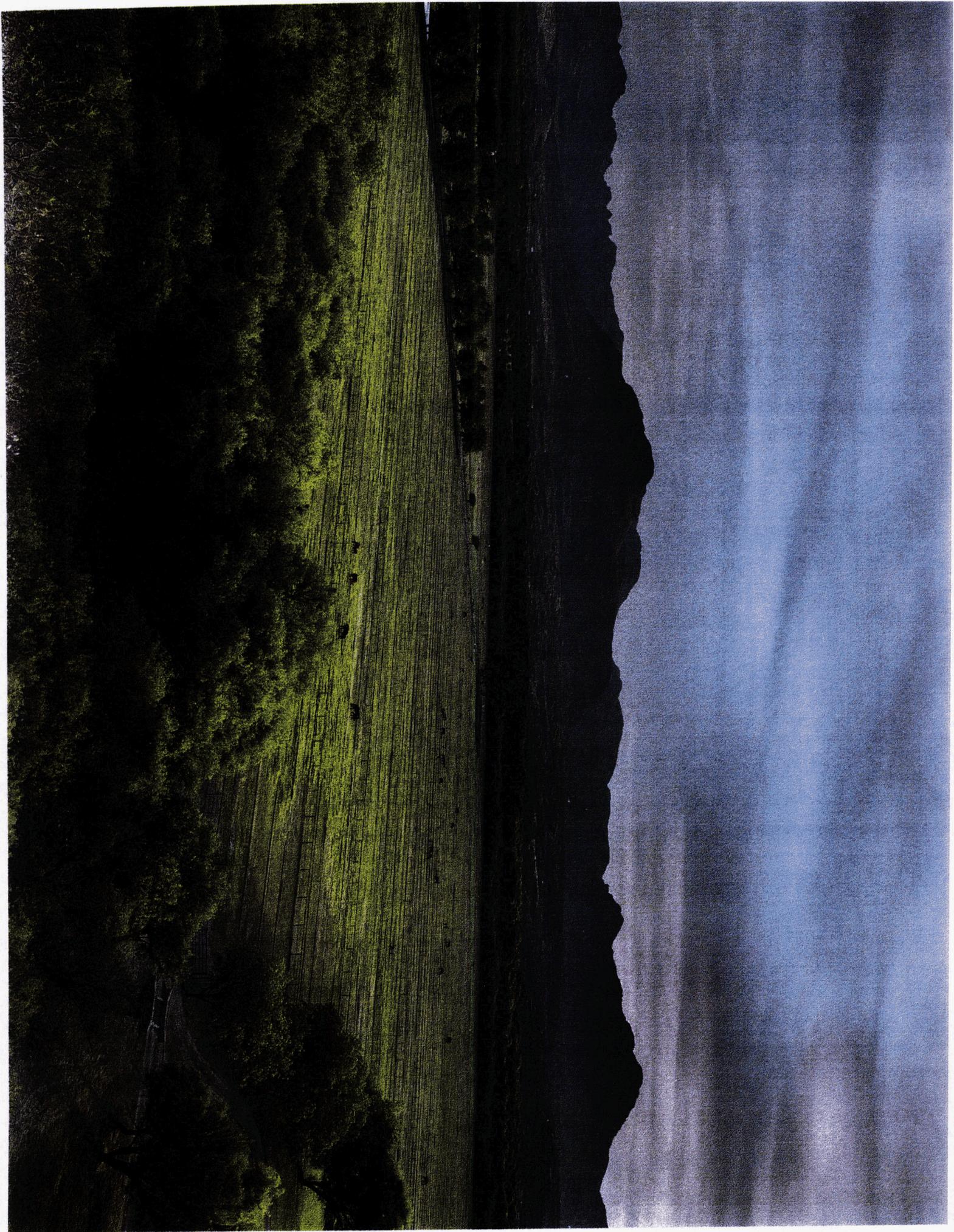
Dwight Nodes
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

11 Baca Float Water Company
12 P.O. Box 1536
13 Tubac, Arizona 85646

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Appendix A





Appendix B

JOKAKE

July 17, 2015

To: Whom it may concern

From: Jokake Real Estate Services
Manager – Tres Alamos Ranch

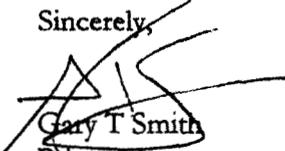
Re: Baca Float Water Company CC and N Extension

As Ranch Manager of the Tres Alamos Ranch I am writing to communicate that when Baca Float Water Company had their last CC and N extension granted the Tres Alamos Ranch property was in escrow with "True Life Companies" of Scottsdale, AZ. Unfortunately, True Life did not go through with their contemplated acquisition and subsequent development of the property. It is my understanding that their decision was based more on the fact that other properties they were considering were closer geographically to their corporate headquarters and also in their estimation were going to have a faster timeline for development.

I own/manage and operate a number of ranch's throughout Arizona and feel the development potential of the Tres Alamos Ranch and the improvements and investment made to date at the Tres Alamos Ranch in anticipation of the inevitable development of the ranch warrant your most serious consideration for approval of the request to extend the CC and N to Baca Float Water Company.

Thank you for your consideration.

Sincerely,



Gary T Smith
Principal

Jokake Real Estate Services

5013 East Washington St
Suite One Hundred
Phoenix Arizona 85034

Phone 602 224 4500

www.jokake.com

Appendix C

July 21, 2015

To whom it may concern:

The overall market in Tubac, Arizona can best be described as "improving". Russ Lyon/Sotheby's International Realty's sales for the first quarter of 2015 in Tubac, Arizona are up approximately 18% over the same period last year. Further to the point of the improving economy locally is the fact that a new builder is investing in two new homes in the community with the idea of using one as a model home and the other as a 'Spec' home which would be immediately available for sale to any prospective buyers. In addition, the builder has committed to continuing to construct additional new "spec" homes as sales occur. This type of confidence in the local community is a very positive sign and will no doubt attract others with similar ideas of development and home construction. In addition, inventories of resale homes are down in the area and sales prices are up approximately 6% over previous years sales. It is my opinion, given my 34 years of real estate sales experience in this community, that the local economic outlook for development of a property such as the Tres Alamos Ranch is very positive.

Sincerely,



Gary P. Brasher
Associate Broker
Russ Lyon/Sotheby's International Realty
#2 Tubac Road
Tubac, AZ 85646
520-260-4048

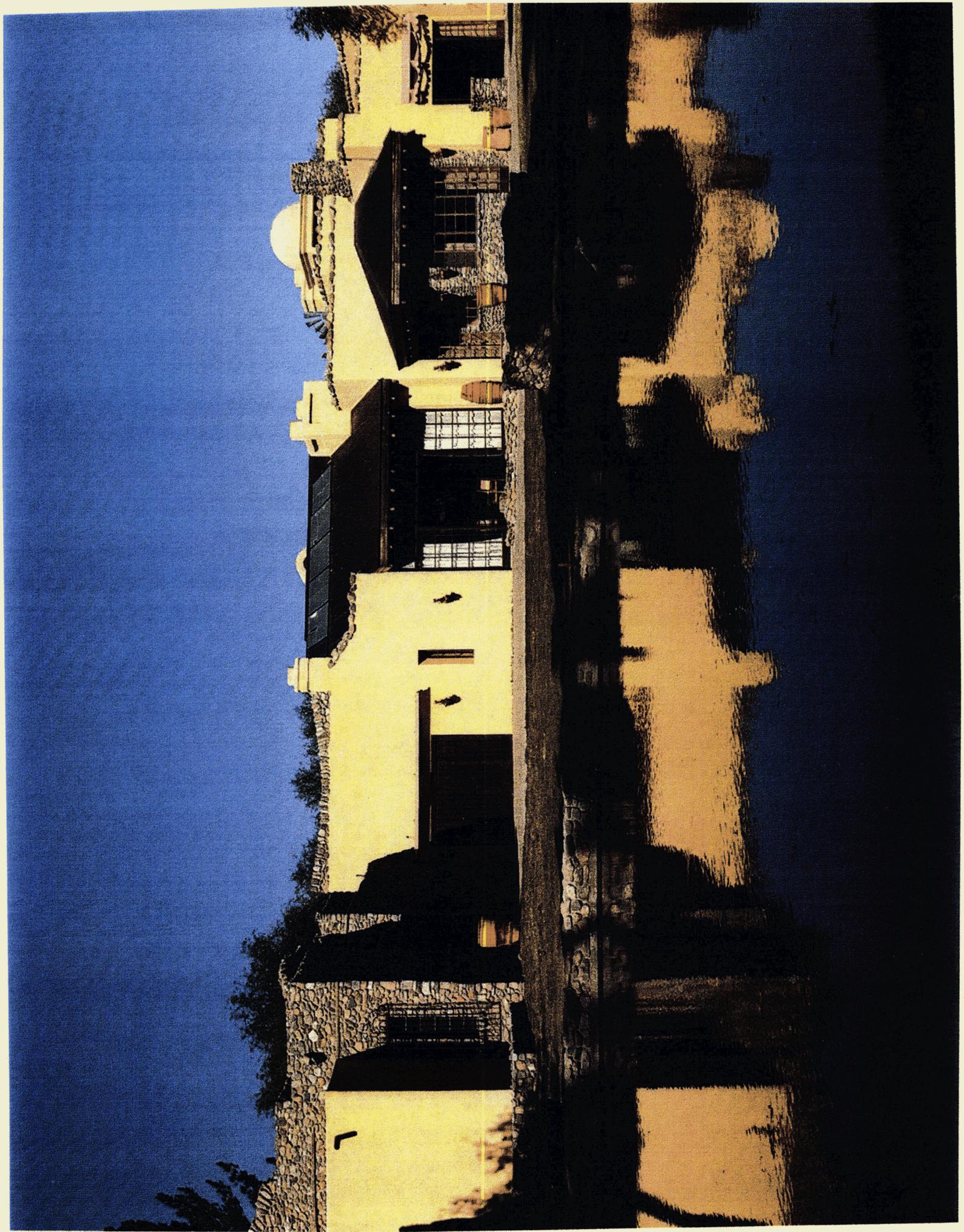
Appendix D

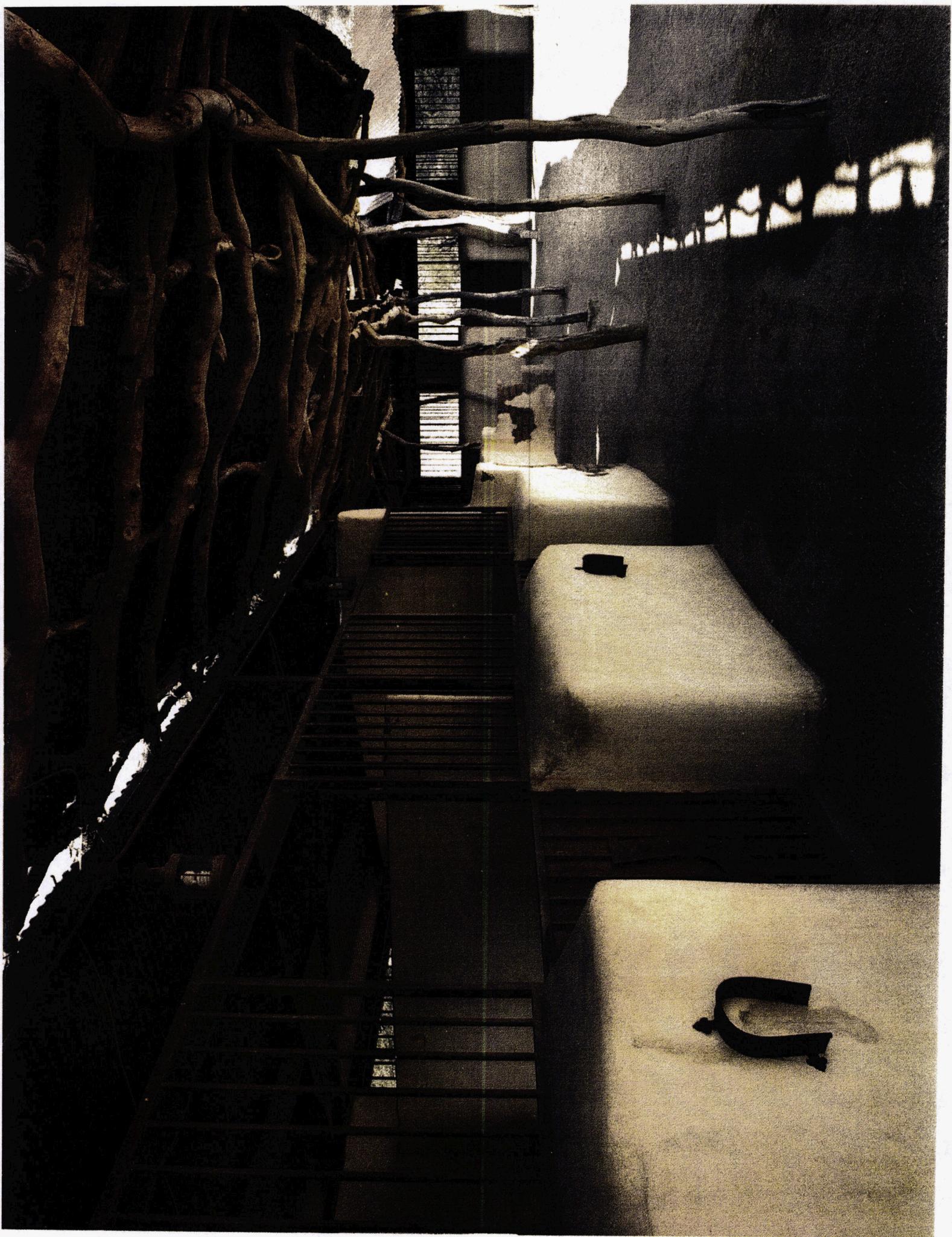












Appendix “E”

SILVERLEAF ACQUISITION HOLDINGS

3020 E. Camelback Road, Suite 350
Phoenix, Arizona 85016
Office: 602 957-1354
Fax: 602 468-1793
Email: mtruxal@CVLCL.com

July 22, 2015

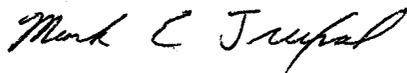
Arizona Corporation Commission

RE: Baca Float Water Company CC&N

To Whom it May Concern:

Silverleaf Acquisition Holdings, LLC (SAH), as the owners of Tres Alamos ranch, request that Baca Float Water Company continue to be the certified water service provider. SAH supports Baca Float Water Company renewing their CC&N extension to include Tres Alamos ranch and support their request for a further extension of the compliance filing deadline.

Sincerely,



Mark E. Truxal
Geddes Advisors, LLC
Manager