

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

OPEN MEETING ITEM



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ARIZONA CORPORATION COMMISSION

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DATE: OCTOBER 29, 2015

DOCKET NO.: WS-01303A-15-0018

TO ALL PARTIES:

Arizona Corporation Commission

DOCKETED

OCT 29 2015

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Enclosed please find the recommendation of Administrative Law Judge Sarah N. Harpring. The recommendation has been filed in the form of an Order on:

EPCOR WATER ARIZONA, INC.
(ORDER CORRECTING DECISION NO. 75293 *NUNC PRO TUNC*)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

NOVEMBER 9, 2015

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

NOVEMBER 17, 2015 and NOVEMBER 18, 2015

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

A handwritten signature in cursive script that reads "Jodi Jerich".

JODI JERICH
EXECUTIVE DIRECTOR

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SBernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 SUSAN BITTER SMITH - Chairman
4 BOB STUMP
5 BOB BURNS
6 DOUG LITTLE
7 TOM FORESE

8 IN THE MATTER OF THE APPLICATION OF
9 EPCOR WATER ARIZONA, INC. FOR A
10 CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE WASTEWATER
12 UTILITY SERVICE IN MARICOPA COUNTY,
13 ARIZONA.

DOCKET NO. WS-01303A-15-0018

DECISION NO. _____

ORDER CORRECTING DECISION
NO. 75293 NUNC PRO TUNC

14 Open Meeting
15 November 17 and 18, 2015
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 * * * * *

19 Having considered the entire record herein and being fully advised in the premises, the
20 Commission finds, concludes, and orders that:

21 **FINDINGS OF FACT**

22 1. On October 28, 2015, the Commission issued Decision No. 75293 in the above-
23 captioned matter, granting EPCOR Water Arizona, Inc. ("EPCOR") a wastewater certificate of
24 convenience and necessity ("CC&N") for a service area located in the vicinity of Luke Air Force Base
25 and the Loop 303 in Maricopa County.

26 2. Also on October 28, 2015, EPCOR filed a Request for a Procedural Order Correcting
27 the Recommended Opinion and Order and Anticipated Decision, *Nunc Pro Tunc* ("Request"). In the
28 Request, EPCOR stated that while setting up the rates for the new service area (now to be known as
the "Luke 303 Wastewater District"), EPCOR discovered that the commodity rate for
commercial/industrial 1 1/2" meter customers had been omitted from the Recommended Opinion and
Order. EPCOR further stated that although the commodity rate had been included in its Revised Exhibit

1 7 filed on May 8, 2015,¹ it had been omitted from the Revised Staff Report filed on July 13, 2015.²
2 EPCOR stated that Staff agrees the omission was not intentional. EPCOR requests that a Procedural
3 Order be issued to correct page 50 of the Recommended Opinion and Order and anticipated Decision
4 in this matter *nunc pro tunc* to reflect a commodity rate of \$4.19 per 1,000 gallons and no commodity
5 charge cap for commercial/industrial 1 1/2” meter customers in the Luke 303 Wastewater District.

6 3. The omission of the commercial/industrial 1 1/2” meter commodity rate and cap
7 information in the Recommended Opinion and Order and Decision No. 75293 was wholly inadvertent
8 and an error.

9 4. Decision No. 75293 incorrectly omitted, on page 22, immediately after line 25, and on
10 page 50, immediately after line 20, the commodity rate and cap information for commercial/industrial
11 1 1/2” meters. These omissions should be corrected, *nunc pro tunc*, by inserting the following:

- 12 (a) On page 22, immediately after line 25:
- 13 “Commercial/Industrial 1 1/2” Meter (No Cap) 4.19 N/T”
- 14 (b) On page 50, immediately after line 20:
- 15 “Commercial/Industrial 1 1/2” Meter (No Cap) 4.19”

16 **CONCLUSIONS OF LAW**

17 1. EPCOR is a public service corporation within the meaning of Article 15 of the Arizona
18 Constitution and Title 40 of the Arizona Revised Statutes.

19 2. The Commission has jurisdiction over EPCOR and over the subject matter of this
20 matter.

21 3. The commodity rate and cap information set forth in Findings of Fact No. 4 is just and
22 reasonable for EPCOR’s Luke 303 Wastewater District and was omitted inadvertently due to clerical
23 error.

24 4. Decision No. 75293 should be corrected, *nunc pro tunc*, as described in Findings of Fact
25 No. 4.

26 ...

27 _____

28 ¹ See Ex. A-3 at rev. ex. 7.
² See Ex. S-1 at att. 2 at supp. Sched. TBH-4.

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ORDER

IT IS THEREFORE ORDERED that Decision No. 75293 is hereby corrected, *nunc pro tunc*, as set forth in Findings of Fact No. 4 above.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN _____ COMMISSIONER _____

COMMISSIONER _____ COMMISSIONER _____ COMMISSIONER _____

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2015.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
SNH/tv

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