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BEFORE THE ARIZONA CORPORATION

DOUG LITTLE
Interim Commissioner
BOB STUMP
Commissioner
BOB BURNS
Commissioner
TOM FORESE
Commissioner

IN THE MATTER OF THE APPLICATION)
OF ARIZONA WINDSONG REALTY, INC.)
FOR APPROVAL TO TRANSFER UTILITY)
ASSETS AND CERTIFICATE OF)
CONVENIENCE AND NECESSITY)

DOCKET NO. W-02250A-14-0376
W-20919A-14-0376
DECISION NO. 75407
ORDER

Arizona Corporation Commission
DOCKETED

JAN 19 2016

Open Meeting
January 12, 2016
Phoenix, Arizona

DOCKETED BY

BY THE COMMISSION:

FINDINGS OF FACT

Introduction

1. On December 23, 2015, Arizona Windsong Water Company ("Arizona Windsong" or "Company"), through its attorney, sent a letter to the Arizona Corporation Commission's ("ACC" or "Commission") Utilities Division ("Staff") requesting the revocation of its Certificate of Convenience and Necessity ("CC&N") granted in Decision No. 75083. A copy of the letter was docketed in Docket Nos. W-02250A-14-0376 and W-20919A-14-0376.

2. Staff recommends that the Commission grant Arizona Windsong's request for revocation of its CC&N. Staff further recommends that the Commission require Arizona Windsong to continue to provide service at approved rates to customers until a new entity is able to provide adequate service to customers within Arizona Windsong's service territory.

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1 **Background and Analysis**

2 3. Arizona Windsong provides water service to approximately 68 residential customers and
3 one commercial customer in Sanders, Arizona.

4 4. In Decision No. 75083, the Commission granted Arizona Windsong a conditional
5 CC&N which required, among other things, Arizona Windsong to be in compliance with the Arizona
6 Department of Environmental Quality (“ADEQ”) by December 31, 2015 or have entered into a consent
7 agreement with ADEQ demonstrating a plan to reach compliance.

8 5. Decision No. 75083 also requires Staff to request revocation of the Company’s CC&N
9 if that condition is not satisfied. Arizona Windsong’s December 23, 2015 letter informs the Commission
10 that the Company will not be able to meet the December 31, 2015 deadline due to circumstance outside
11 the Company’s control.

12 6. On October 15, 2015, ADEQ issued a Compliance Order to Arizona Windsong alleging,
13 among other things, exceedances of the Maximum Contaminant Level (MCL) for Uranium.

14 7. Arizona Windsong further indicates the Navajo Tribal Utilities Authority (“NTUA”) is
15 considering extending service to Arizona Windsong’s customers.

16 8. The Company requests the Commission revoke its CC&N according to Decision No.
17 75083 to remove any impediment to the NTUA extending service.

18 9. Arizona Windsong acknowledges that the revocation of its CC&N will not affect its
19 status as a public service corporation (“PSC”) and its obligation to continue service to its customers,
20 (even in absence of a CC&N), until service is available from a new provider.

21 10. Arizona Windsong agrees to continue to provide service to customers under rate
22 approved by the Commission until such time as NTUA or another provider extends its system to serve
23 Arizona Windsong customers.

24 11. Arizona Windsong further requests the Commission grant any authority required for the
25 Company to terminate service and its status as a PSC once service is available from another provider.

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1 Staff Recommendations

2 12. Staff recommends that Arizona Windsong’s request for revocation of its CC&N be
3 approved to remove any impediment to NTUA extending its lines to serve Arizona Windsong’s
4 customers.

5 13. Staff further recommends that the Commission require Arizona Windsong to continue
6 to provide service to its customers at rates authorized by the Commission until a new provider is ready
7 willing and able to provide service to Arizona Windsong customers.

8 14. Staff further recommends that Arizona Windsong notify the Commission within 30 days
9 of another entity providing water service to any Arizona Windsong customer.

10 CONCLUSIONS OF LAW

11 1. Arizona Windsong Water Company is an Arizona public service corporation within the
12 meaning of Article XV, Section 2, of the Arizona Constitution.

13 2. The Commission has jurisdiction over Arizona Windsong and over the subject matter
14 of this application.

15 3. The Commission, having reviewed Staff’s Memorandum dated December 29, 2015,
16 concludes that it is in public interest to approve Arizona Windsong’s request to revoke its Certificate of
17 Convenience and Necessity as proposed and discussed herein.

18 ORDER

19 IT IS THEREFORE ORDERED that Arizona Windsong Water Company’s Certificate of
20 Convenience of Necessity granted in Decision No. 75083 is hereby revoked.

21 IT IS FURTHER ORDERED that Arizona Windsong Water Company shall continue
22 providing water service to its customers at rates authorized by the Commission until a new provider is
23 ready, willing and able to provide service to Arizona Windsong customers.

24 IT IS FURTHER ORDERED that Arizona Windsong Water Company shall notify the
25 Commission within 30 days of another entity providing water service to any Arizona Windsong’s
26 customers.

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

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

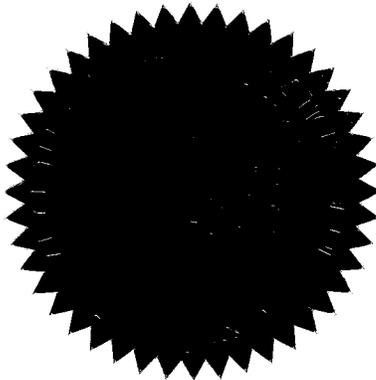
J. Blunt
CHAIRMAN

[Signature]
COMMISSIONER

[Signature]
COMMISSIONER

Vacant

[Signature]
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 this Commission to be affixed at the Capitol, in the City of Phoenix, this 19th day of January, 2016.

Jodi Jerich
JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

TMB:LJL vsc/ML

1 SERVICE LIST FOR: Arizona Windsong Realty, Inc.
2 DOCKET NO. W-02250A-14-0376 and W-20919A-14-0376

3 Mr. Timothy Sabo
4 Roshka, DeWulf & Patten, PLC
5 One Arizona Center
6 400 East Van Buren Street., Ste.800
7 Phoenix, Arizona 85004

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

13 Ms. Janice M. Alward
14 Chief Counsel, Legal Division
15 Arizona Corporation Commission
16 1200 West Washington Street
17 Phoenix, Arizona 85007

18 Mr. Dwight Nodes
19 Chief Administrative Law Judge, Hearing Division
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, AZ 85007

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