

OPEN MEETING ITEM



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COMMISSIONERS
DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN



Executive Director

ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

2016 NOV 3 PM 2 08

ORIGINAL

DATE: November 3, 2016

DOCKET NO.: W-01812A-15-0421

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Scott Hesla. The recommendation has been filed in the form of an Opinion and Order on:

BERMUDA WATER COMPANY
(RATES)

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 10, 2016

Company has waived the 10 days for filing of exceptions

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, 2016

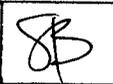
For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.


JODI A. JERICH
EXECUTIVE DIRECTOR

Arizona Corporation Commission

DOCKETED

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DOCKETED BY 

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347

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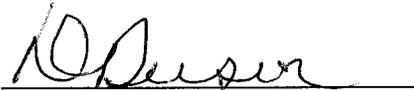
This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SBernal@azcc.gov.

On this 3rd day of November, 2016, the following document was filed with Docket Control as a Recommended Opinion & Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

Patrick J. Black
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By:



Debbi Person
Assistant to Scott Hesla

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 DOUG LITTLE – Chairman
4 BOB STUMP
5 BOB BURNS
6 TOM FORESE
7 ANDY TOBIN

8 IN THE MATTER OF THE APPLICATION OF
9 BERMUDA WATER COMPANY FOR A
10 DETERMINATION OF THE FAIR VALUE OF ITS
11 UTILITY PLANT AND PROPERTY AND FOR
12 INCREASES IN ITS WATER RATES AND
13 CHARGES FOR UTILITY SERVICE BASED
14 THEREON.

DOCKET NO. W-01812A-15-0421

DECISION NO. _____

OPINION AND ORDER

11 DATE OF HEARING: September 28, 2016
12 PLACE OF HEARING: Phoenix, Arizona
13 ADMINISTRATIVE LAW JUDGE: Scott M. Hesla
14 APPEARANCES: Mr. Patrick J. Black, FENNEMORE CRAIG, P.C., on
15 behalf of Bermuda Water Company; and
16 Mr. Robert W. Geake and Mr. Matthew Laudone, Staff
17 Attorneys, Legal Division, on behalf of the Utilities
18 Division of the Arizona Corporation Commission.

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 **I. Procedural History**

23 1. On December 29, 2015, Bermuda Water Company (“Bermuda” or “Company”) filed
24 with the Arizona Corporation Commission (“Commission”) an application for a permanent rate
25 increase.

26 2. On January 7, 2016, the Company filed a Notice of Errata correcting portions of the
27 Company’s application.

1 3. On January 28, 2016, the Commission's Utilities Division ("Staff") filed a Letter of
2 Sufficiency stating that the application met the sufficiency requirements outlined in Arizona
3 Administrative Code ("A.A.C.") R14-2-103, and classifying the Company as a Class B utility.

4 4. On February 5, 2016, a Procedural Order was issued establishing various filing
5 deadlines and scheduling a pre-hearing conference to commence on September 21, 2016, and a hearing
6 to commence on September 28, 2016.

7 5. On February 18, 2016, the Company filed a Notice of Filing Revised Schedules.

8 6. On May 2, 2016, the Company filed a Notice of Filing Certification of Publication and
9 Proof of Mailing, certifying that public notice of the hearing was published in the *Mohave Daily News*
10 on March 13, 2016, and mailed to all customers of record on March 14, 2016.

11 7. On July 26, 2016, Staff filed the direct testimonies of Ms. Crystal Brown, Ms. Dorothy
12 Hains, and Ms. Phan Tsan.

13 8. On August 10, 2016, Staff filed a Notice of Settlement Discussions stating that a
14 meeting for the purpose of engaging in settlement discussions with the Company had been scheduled
15 for August 16, 2016.

16 9. On August 23, 2016, the Company filed the rebuttal testimony of Mr. Jason Martin. In
17 his rebuttal testimony, Mr. Martin stated that Bermuda is willing to accept all the analysis, adjustments,
18 and recommendations made by Staff in its direct testimony, provided that Staff agree to the Company's
19 adjustments to depreciation expense and cash working capital allowance.¹

20 10. On September 13, 2016, Staff filed the surrebuttal testimony of Ms. Phan Tsan
21 indicating that the parties are now in agreement on all previously contested issues in this case.

22 11. On September 14, 2016, a Procedural Order was issued vacating the pre-hearing
23 conference scheduled for September 21, 2016.

24 12. On September 20, 2016, filed a Notice of Errata correcting the service line and meter
25 installation charges associated with the direct testimony of Ms. Dorothy Hains.

26
27
28 ¹ The Company also noted that Staff made an inadvertent error in calculating accumulated depreciation.

1 13. Also on September 20, 2016, the Company filed the rejoinder testimony of Mr. Jason
2 Martin confirming that the Company has reached full agreement with Staff on all previously contested
3 issues in this case.

4 14. On September 21, 2016, the Company filed a Notice of Errata to revise the final
5 schedules agreed upon by the parties.

6 15. On September 28, 2016, a full public hearing was convened as scheduled, with the
7 Company and Staff appearing through counsel. At the hearing, the Company and Staff stated that the
8 parties were in agreement on all the issues in this case, and urged the Commission to adopt that
9 agreement as in the public interest. At the conclusion of the hearing, the matter was taken under
10 advisement.

11 **II. Background**

12 16. Bermuda is a Class B Arizona public service corporation providing water utility service
13 to approximately 7,360 residential customers and 479 commercial and industrial customers, in a
14 certificated area located in the southern portion of Bullhead City, Mohave County, Arizona. The
15 Commission approved the Company's current rates and charges in Decision No. 72892 (February 17,
16 2012).

17 17. Staff performed an on-site field inspection of the Company's water system on February
18 17 and 18, 2016. The system includes nine active wells capable of producing 3,310 gallons per minute
19 ("GPM"), six storage tanks with a combined total storage capacity of 2,744,000 gallons, two booster
20 pump stations, and a gravity flow distribution system. During the test year ending August 31, 2015,
21 Bermuda reported 960,618,000 gallons sold and 1,009,924,000 gallons pumped, resulting in a water
22 loss of 4.9 percent.²

23 18. Based on Staff's engineering analysis, the Company's water system has adequate
24 production and storage capacity to serve its existing customer base and reasonable growth.

25 19. According to an Arizona Department of Environmental Quality ("ADEQ") Drinking
26 Water Compliance Status Report dated January 7, 2016, Bermuda is currently delivering water that
27

28 _____
² Staff indicates that a water loss ratio of ten 10 percent or less is acceptable.

1 meets the water quality standards required by 40 C.F.R. §§ 141.1, *et seq.* (National Primary Drinking
2 Water Regulations) and Arizona Administrative Code, Title 18, Chapter 4.

3 20. Bermuda is not located within an Arizona Department of Water Resources (“ADWR”)
4 active management area (“AMA”). In a Water Provider Compliance Report dated January 6, 2016,
5 ADWR determined that the Company is currently in compliance with departmental requirements
6 governing water providers and/or community water systems.

7 21. Staff’s Compliance Section database shows no outstanding compliance issues for the
8 Company.

9 22. Staff’s Consumer Services Section database shows six complaints filed against the
10 Company from January 1, 2013 through June 24, 2016. According to Staff, all complaints have been
11 resolved and are closed.

12 **III. Rate Application**

13 23. The Company’s application proposed total operating revenue of \$4,298,558, an increase
14 of \$799,416, or 22.85 percent, over the Company’s adjusted test year revenue of \$3,499,142. The
15 Company proposed a 10.00 percent rate of return on a proposed fair value rate base (“FVRB”) of
16 \$9,941,318. The Company further proposed rates that would increase the typical residential bill with
17 median usage of 5,168 gallons from \$21.09 to \$27.18, for an increase of \$6.10, or 28.91 percent.

18 24. Through settlement negotiations, the Company and Staff have agreed upon total
19 operating revenue of \$4,023,435, an increase of \$524,293, or 14.98 percent, over the Company’s
20 adjusted test year revenue of \$3,499,142. The parties further agree to a 9.40 percent rate of return on
21 a FVRB of \$9,761,369. The rates agreed upon by the parties would increase the typical residential bill
22 with median usage from \$21.09 to \$23.52, for an increase of \$2.43, or 11.52 percent.

23 **A. Rate Base**

24 25. Staff and the Company are in agreement on a FVRB of \$9,761,369.

25 26. In its application, the Company proposed to include a cash working capital allowance
26 of \$194,872 based on a calculation utilizing the formula method.³ In its direct testimony, Staff
27

28 ³ The formula method equals one-eighth of the operating expenses less depreciation, taxes, purchased water, and purchased power expenses, plus one-twenty fourth of purchased water and purchased power expenses.

1 recommended removing the allowance because the Company failed to perform a lead-lag study.
2 According to Staff, reliance on the formula method to determine cash working capital is only
3 appropriate for Class E utilities.

4 27. As a result of settlement negotiations, Staff agreed to an allowance of \$147,296 for cash
5 working capital and the Company agreed to perform a lead-lag study and use the results of that study
6 to support any request for a working capital allowance in its next rate case.

7 28. We find that the fair value of the Company's utility plant and property is \$9,761,369, as
8 agreed upon by the parties.

9 **B. Operating Expense**

10 29. Staff and the Company are in agreement on an adjusted test year operating expense of
11 \$2,903,807.

12 30. In its direct testimony, Staff made an adjustment to decrease the Company's proposed
13 depreciation expense by \$103,646, from \$850,872 to \$747,226. In calculating depreciation expense,
14 Staff utilized an amortization rate of 4.02 percent for Contributions in Aid of Construction ("CIAC").

15 31. In its rebuttal testimony, the Company expressed concern that over estimating an
16 appropriate CIAC amortization rate may have an adverse impact on both the Company and its
17 ratepayers by reducing the revenue requirement in the short-term, and artificially inflating rate base in
18 the long-term. The Company proposed a CIAC amortization rate of 3.72 percent, which increased
19 Staff's adjusted depreciation expense by \$16,075, from \$747,226 to \$763,301.

20 32. As a result of settlement discussions, Staff agreed to utilize a CIAC amortization rate of
21 3.72 percent.

22 33. We find that the adjusted test year operating expense of \$2,903,807, as agreed to by the
23 parties, is reasonable and should be adopted.

24 **C. Cost of Capital**

25 34. In its application, Bermuda proposed an overall rate of return of 10.00 percent.
26 Testimony on behalf of the Company indicated that in an effort to keep rate case expense reasonable,
27 Bermuda did not hire a rate of return expert, but instead relied on returns on equity that the Commission
28 has granted to other water utilities sharing a similar customer size and risk profile.

1 35. In its direct testimony, Staff recommended an overall rate of return of 9.40 percent,
 2 using the Company's capital structure of 100 percent equity. According to Staff, the Company's
 3 proposed rate of return is among the highest authorized by the Commission in recent years. Staff states
 4 that its rate of return recommendation is based on the recent cost of equity analysis made by Staff in
 5 Docket No. W-02465A-15-0367 ("Bella Vista rate case"). In the Bella Vista rate case, Staff conducted
 6 a market-based analysis to arrive at an average cost of equity of 9.40 percent.

7 36. As a result of settlement negotiations, Bermuda is in agreement with Staff's
 8 recommended rate of return of 9.40 percent.

9 37. We find that a 9.40 percent rate of return, as agreed to by the parties, is reasonable and
 10 should be adopted.

11 **D. Revenue Requirement**

12 38. The Company's present rates and charges produced test year operating revenue of
 13 \$3,392,919. With an adjusted test year operating expense of \$2,903,807, Bermuda had test year
 14 operating income of \$595,334.

15 39. The rates and charges agreed to by the Company and Staff would produce operating
 16 revenue of \$4,023,435 and adjusted operating expenses of \$3,105,866, resulting in operating income
 17 of \$917,569, for a 9.40 percent rate of return on the Company's FVRB.

18 40. We find that the revenue requirement of \$4,023,435, as agreed to by the parties, is
 19 reasonable and should be adopted.

20 **E. Rate Design**

21 41. The parties are in agreement on a recommended rate design. The rates and charges for
 22 the Company at present, and as recommended by the parties, are as follows:

23
 24 **MONTHLY USAGE CHARGE:**

25 **Residential, Commercial, Construction,**
 26 **Irrigation**

	<u>Current</u>	<u>Proposed</u>
27 5/8" x 3/4" Meter	\$13.00	\$14.50
28 3/4" Meter	13.00	14.50
1" Meter	35.00	36.25

1	1 ½" Meter	70.00	72.50
	2" Meter	112.00	116.00
2	3" Meter	224.00	232.00
	4" Meter	350.00	N/A
3	6" Meter	700.00	725.00
	8" Meter	N/A	940.00
4	10" Meter	N/A	1,180.00

Schools

6	1" Meter	\$35.00	\$36.25
7	1 ½" Meter	70.00	72.50
	2" Meter	112.00	116.00
8	6" Meter	700.00	700.00
	8" Meter	N/A	940.00
9	10" Meter	N/A	1,180.00

COMMODITY CHARGES:

(Per 1,000 gallons)

Current**Proposed****5/8" x 3/4" and 3/4" Meter (Residential)**

13	First 3,000 gallons	\$1.25	\$1.25
14	3,001 to 9,000 gallons	2.00	2.43
	Over 9,000 gallons	3.12	3.85

5/8" x 3/4" and 3/4" Meter (Commercial)

16	First 9,000 gallons	\$1.25	\$2.43
17	Over 9,000 gallons	3.12	3.85

1" Meter (Residential/Commercial)

18	First 25,000 gallons	\$2.00	\$2.43
19	Over 25,000 gallons	3.12	3.85

1 1/2" Meter (Residential/Commercial)

21	First 50,000 gallons	\$2.00	\$2.43
	Over 50,000 gallons	3.12	3.85

2" Meter (Residential/Commercial)

23	First 80,000 gallons	\$2.00	\$2.43
24	Over 80,000 gallons	3.12	3.85

3" Meter (Residential/Commercial)

25	First 165,000 gallons	\$2.00	\$2.43
26	Over 165,000 gallons	3.12	3.85

4" Meter (Residential/Commercial)

28	First 250,000 gallons	\$2.00	N/A
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1	Over 250,000 gallons	3.12	N/A
2	<u>6" Meter (Residential/Commercial)</u>		
3	First 500,000 gallons	\$2.00	\$2.43
3	Over 500,000 gallons	3.12	3.85
4	<u>Construction/Irrigation</u>		
5	All Usage	\$1.64	\$1.98
6	<u>School/Wholesale</u>		
7	All Usage	\$1.77	\$2.12

8 **SERVICE LINE AND METER INSTALLATION CHARGES:**
 9 (Refundable Pursuant to A.A.C. R14-2-405)*

10	<u>Current</u>	<u>Current</u>	<u>Proposed Meter</u>	<u>Proposed Service</u>	
11	<u>Meter</u>	<u>Service Line</u>	<u>Charges</u>	<u>Line Charges</u>	
11	<u>Charges</u>	<u>Charges</u>	<u>Charges</u>	<u>Charges</u>	
12	5/8" x 3/4" Meter	\$60.00	\$125.00	\$140.00	\$500.00
12	1" Meter	85.00	180.00	290.00	560.00
13	1 1/2" Meter	N/A	N/A	500.00	560.00
13	2" Meter	\$317.00	\$520.00	900.00	900.00
14	3" Meter & Larger	At Cost**	At Cost**	At Cost**	At Cost**

15 * Refunds of the installation charges shall be pursuant to A.A.C. R14-2-405, except the
 16 refunds will occur in the billing month of September
 17 ** At Cost = Actual costs of material and labor

17	<u>SERVICE CHARGES:</u>	<u>Current</u>	<u>Proposed</u>
18	Compromised Meter Lock	\$15.00	\$15.00
18	Deferred Payment Interest	1.50%(a)	1.50%(a)
19	Deposit	(b)	(b)
20	Deposit Interest	(b)	(b)
20	Establishment Fee	\$35.00	\$35.00
21	Late Payment	1.50%	1.50% or \$5.00(c)
21	Meter Test Performed by Company	\$20.00	\$20.00
22	Meter Test Performed by Outside Vendor	25.00	25.00
22	NSF Check (Returned)	15.00	25.00
23	Reconnection (Delinquent)	50.00	50.00
24	After Hours Service Charge	30.00	30.00
24	Meter Re-Read Charge (Only if Correct)	5.00	10.00

- 25 (a) 1.50% of unpaid balance each month for a maximum of 6 months with signed
 26 agreement.
 26 (b) Per A.A.C. R14-2-403(B).
 27 (c) 1.50% or \$5.00, whichever is greater, if payment is not received within 15 days from
 28 the date the bill is rendered.

1 42. The rates agreed upon by the parties would increase the typical residential bill with
 2 median usage of 5,168 gallons from \$21.09 to \$23.52, for an increase of \$2.43, or 11.52 percent.

3 43. We find that the rate design and service charges, as agreed to by the parties, are
 4 reasonable and should be adopted.

5 **CONCLUSIONS OF LAW**

6 1. Bermuda Water Company is a public service corporation within the meaning of Article
 7 XV of the Arizona Constitution and A.R.S. § 40-250 and 40-251.

8 2. The Commission has jurisdiction over Bermuda Water Company and the subject matter
 9 of the application.

10 3. Notice of the application was provided in the manner prescribed by law.

11 4. The fair value of Bermuda Water Company's utility plant and property is \$9,761,369.

12 5. The rates, charges, and conditions of service authorized herein are just and reasonable
 13 and should be approved.

14 6. Staff's recommendations, as agreed to by the Company, are just and reasonable and in
 15 the public interest.

16 **ORDER**

17 IT IS THEREFORE ORDERED that Bermuda Water Company shall file with Docket Control,
 18 as a compliance item in this docket, by November 30, 2016, revised rate schedules setting forth the
 19 following rates and charges:

20 **MONTHLY USAGE CHARGE:**

21 **Residential, Commercial, Construction,**
 22 **Irrigation**

23	5/8" x 3/4" Meter	\$14.50
24	3/4" Meter	14.50
25	1" Meter	36.25
26	1 1/2" Meter	72.50
27	2" Meter	116.00
28	3" Meter	232.00
	6" Meter	725.00
	8" Meter	940.00
	10" Meter	1,180.00

1	<u>Schools</u>	
2	1" Meter	\$36.25
3	1 ½" Meter	72.50
	2" Meter	116.00
4	6" Meter	700.00
	8" Meter	940.00
5	10" Meter	1,180.00
6	<u>COMMODITY CHARGE:</u>	
7	(Per 1,000 gallons)	
8	<u>5/8" x 3/4" and 3/4" Meter (Residential)</u>	
9	First 3,000 gallons	\$1.25
	3,001 to 9,000 gallons	2.43
10	Over 9,000 gallons	3.85
11	<u>5/8" x 3/4" and 3/4" Meter (Commercial)</u>	
	First 9,000 gallons	\$2.43
12	Over 9,000 gallons	3.85
13	<u>1" Meter (Residential/Commercial)</u>	
14	First 25,000 gallons	\$2.43
	Over 25,000 gallons	3.85
15	<u>1 1/2" Meter (Residential/Commercial)</u>	
16	First 50,000 gallons	\$2.43
17	Over 50,000 gallons	3.85
18	<u>2" Meter (Residential/Commercial)</u>	
	First 80,000 gallons	\$2.43
19	Over 80,000 gallons	3.85
20	<u>3" Meter (Residential/Commercial)</u>	
21	First 165,000 gallons	\$2.43
	Over 165,000 gallons	3.85
22	<u>6" Meter (Residential/Commercial)</u>	
23	First 500,000 gallons	\$2.43
24	Over 500,000 gallons	3.85
25	<u>Construction/Irrigation</u>	
	All Usage	\$1.98
26	<u>School/Wholesale</u>	
27	All Usage	\$2.12
28		

SERVICE LINE AND METER INSTALLATION CHARGES:

(Refundable Pursuant to A.A.C. R14-2-405)*

	<u>Meter Charges</u>	<u>Service Line</u>
5/8" x 3/4" Meter	\$140.00	\$500.00
1" Meter	290.00	560.00
1 1/2" Meter	500.00	560.00
2" Meter	900.00	900.00
3" Meter & Larger	At Cost**	At Cost**

* Refunds of the installation charges shall be pursuant to A.A.C. R14-2-405, except the refunds will occur in the billing month of September.

** At cost = Actual costs of materials and labor.

SERVICE CHARGES:

Compromised Meter Lock	\$15.00
Deferred Payment Interest	1.50%(a)
Deposit	(b)
Deposit Interest	(b)
Establishment Fee	\$35.00
Late Payment	1.50% or \$5.00(c)
Meter Test Performed by Company	\$20.00
Meter Test Performed by Outside Vendor	25.00
NSF Check (Returned)	25.00
Reconnection (Delinquent)	50.00
After Hours Service Charge	30.00
Meter Re-Read Charge (Only if Correct)	10.00

(a) 1.50% of unpaid balance each month for a maximum of 6 months with signed agreement.

(b) Per A.A.C. R14-2-403(B).

(c) 1.50% or \$5.00, whichever is greater, if payment is not received within 15 days from the date the bill is rendered.

IT IS FURTHER ORDERED that the above rates and charges shall be effective for all service provided during Bermuda Water Company's next regular billing cycle.

IT IS FURTHER ORDERED that, in addition to the collection of its regular rates and charges, Bermuda Water Company shall collect from its customers a proportionate share of any privilege, sales or use tax pursuant to A.A.C. R14-2-409(D).

IT IS FURTHER ORDERED that Bermuda Water Company shall notify its customers of the authorized rates and charges and their effective date in a form acceptable to the Commission's Utilities

1 Division, by means of an insert in its next regularly scheduled billing or as a separate mailing.

2 IT IS FURTHER ORDERED that Bermuda Water Company shall file with Docket Control, as
3 a compliance item in this docket, within ten (10) days after the date notice is sent to its customers, a
4 copy of the notice provided to customers.

5 IT IS FURTHER ORDERED that Bermuda Water Company shall use the depreciation rates
6 delineated in Figure 6 of the Engineering Report portion of Exhibit S-2 (Direct Testimony of Ms.
7 Dorothy Hains).

8 IT IS FURTHER ORDERED that Bermuda Water Company shall perform a lead-lag study in
9 support of any request for a working capital allowance in the Company's next rate case.

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IT IS FURTHER ORDERED that Bermuda Water Company shall file annually, as part of its annual report, an affidavit with the Commission's Utilities Division attesting that it is current in paying its property taxes in Arizona.

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

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN LITTLE

COMMISSIONER STUMP

COMMISSIONER FORESE

COMMISSIONER TOBIN

COMMISSIONER BURNS

IN WITNESS WHEREOF, I, JODI A. 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 _____ 2016.

JODI A. JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

SMH:dap

1 SERVICE LIST FOR:

BERMUDA WATER COMPANY

2 DOCKET NO.:

W-01812A-15-0421

3 Patrick J. Black
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