

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 LEA MÁRQUEZ PETERSON - Chairwoman  
4 SANDRA D. KENNEDY  
5 JUSTIN OLSON  
6 ANNA TOVAR  
7 JIM O'CONNOR

8 IN THE MATTER OF THE APPLICATION OF )  
9 EPCOR WATER ARIZONA INC., AN )  
10 ARIZONA CORPORATION: (1) FOR )  
11 APPROVAL OF ITS PROPOSED STANDPIPE )  
12 WATER TARIFF; AND (2) ESTABLISHMENT )  
13 OF A CERTIFICATE OF CONVENIENCE )  
14 AND NECESSITY FOR STANDPIPE WATER )  
15 SERVICE ONLY TO THE RIO VERDE )  
16 FOOTHILLS COMMUNITY )

DOCKET NO. WS-01303A-22-

**APPLICATION**

17 EPCOR Water Arizona Inc., an Arizona corporation, (“EPCOR” or “Company”)  
18 requests approval from the Arizona Corporation Commission (“Commission”) to approve a  
19 tariff to provide standpipe water service to the Rio Verde Foothills Community (the  
20 “Foothills”). Further, and in accordance with A.R.S. § 40-282 and A.A.C. R14-2-402,  
21 EPCOR also requests to establish a Certificate of Convenience and Necessity (“CC&N”) to  
22 provide standpipe water service only for the Foothills. In support of its Application, the  
23 Company states the following:

24 **I. Introduction.**

25 As stated in its response submitted August 26, 2022 in Docket No. WS-0000A-22-  
26 0294, EPCOR is willing to provide standpipe services to the Foothills, but cannot do so  
without certain approvals being ordered in this docket. It is clear that residents living in the  
Foothills are in an untenable situation that jeopardizes their ability to live in their homes.

1 While EPCOR has the means and expertise to provide standpipe water service, it is doing  
2 so only to the extent there appears to be no other solution available.<sup>1</sup>

3 EPCOR is currently exploring multiple alternatives to provide standpipe water  
4 service as cost effectively as possible – including utilization of existing infrastructure.  
5 EPCOR, however, can provide no guarantees that any such alternative will prove viable.  
6 Thus, in order to provide standpipe services, EPCOR may have to successfully: (1) acquire  
7 land on which to place the standpipe;<sup>2</sup> (2) obtain adequate water rights to provide the  
8 service separate and apart from the water resources that will be used to serve water  
9 customers in Rio Verde Utilities, Inc. (“Rio Verde”);<sup>3</sup> (3) most likely drill a new well from  
10 which to pump the water needed to physically supply the standpipe; and (4) build any other  
11 infrastructure needed to ensure an operational standpipe. Even so, EPCOR must also deal  
12 with supply chain constraints and potential delays in obtaining permits, as well as possibly  
13 needing to obtain a site for the water station *and* design the station so that it can provide  
14 standpipe water service. Given those circumstances, EPCOR’s best estimate is that it will  
15 take *at least* 24-to-36 months from the date the Commission approved a standpipe tariff, if  
16 it needs to build separate facilities and construct the water station in order to begin  
17 providing such service to the Foothills. Depending on what exactly is needed, what water  
18 rights may be available and other factors outside of its control, the timeframe could well  
19 exceed 36 months.

20 Consequently, the costs to supply standpipe service to the Foothills will be  
21 substantial and result in significantly higher rates than what is currently in effect for  
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23 <sup>1</sup> EPCOR understands that the Maricopa County Board of Supervisors denied a request from some of the  
Foothills members to form a domestic water improvement district on August 31, 2022.

24 <sup>2</sup> Standpipe includes a water station similar to the Desert Hills / New River water station owned and  
operated by EPCOR near the Anthem community.

25 <sup>3</sup> The Commission, during its Open Meeting held October 12, 2022, approved the Application for Rio Verde  
Utilities, Inc. to merge with and into EPCOR. *See* Docket Nos. WS-01303A-22-0212; WS-02156A-22-  
26 0212. Thus, the Rio Verde Wastewater Division, and the Rio Verde Water Division are referred to as  
“districts” throughout the remainder of this Application.

1 standpipe service from EPCOR’s Desert Hills / New River water station. A new well will  
2 most likely be needed and EPCOR will need to procure water rights separate and apart  
3 from the water resources committed for Rio Verde’s water district.<sup>4</sup> The infrastructure  
4 cost to supply standpipe service is likely to be at least six million<sup>5</sup>, not including land or the  
5 cost of procuring water resources. That figure could reach \$10 to \$12 million depending on  
6 the circumstances (again, not including costs to acquire the land for a standpipe / water  
7 station or the water resources). This is because EPCOR will need new facilities including a  
8 well, storage tank, station infrastructure, SCADA (supervisory control and data acquisition)  
9 and possibly arsenic treatment (*i.e.*, substantially more facilities will potentially be  
10 necessary than what was necessary for the Desert Hills / New River Water Station). But  
11 until EPCOR locates a site and is able to begin design of the water station, as well as  
12 explores other alternatives, it cannot offer a more precise cost estimate at this time.

13       Regarding water resources, the existing well system at Rio Verde’s water district is  
14 at capacity and the water resources are already committed. EPCOR *must* procure separate  
15 and independent water resources, which is no easy task. Further, the cost of new water  
16 supplies is rising – and the “marginal” cost of new water supplies may range between \$500  
17 to \$10,000 per acre-foot (depending on several factors including the amount sought, the  
18 location, and the timeframe over which the water would be taken). EPCOR understands  
19 that the Foothills water demand is currently estimated to be approximately 150 acre feet per  
20 year.

21       Therefore, EPCOR requests a water standpipe rate of \$20.00 per-1,000 gallons  
22 (kgal), subject to a true-up similar to what has been done for the Desert Hills / New River  
23 Water Station approved in Decision No. 76473 (November 17, 2017) understanding that  
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25 <sup>4</sup> As stated previously, while EPCOR is exploring other potential alternatives, it can make no promises or  
26 guarantees as to any alternative being a viable one – other than to construct wholly separate infrastructure to  
obtain and deliver water to the standpipe / water station for residents in Desert Foothills.

<sup>5</sup> Updated based on most current information as of October, 2022 and subject to further review.

1 this is a substantial increase from what the Foothills currently pays and higher than  
2 EPCOR's existing standpipe tariff for the Deserts Hill / New River Water Station. When  
3 actual costs are known and the water standpipe / station becomes operational, or when the  
4 water station is consolidated with a larger EPCOR water district, EPCOR would seek to  
5 true up the rate for any under-recovery or over-recovery. Along those lines, EPCOR also  
6 requests that the Commission order the performance of a cost of service analysis as a  
7 necessary part of the true up to both ensure that customers are protected from  
8 overcollection and EPCOR is able to recoup its investment – in a similar manner to what is  
9 required for the Desert Hills / New River water station.

10 Because of the substantial costs involved to construct what *may* be an entirely  
11 separate water system, EPCOR must also condition its willingness to provide standpipe  
12 water service with an ordering paragraph that the standpipe be consolidated with EPCOR's  
13 larger Sonoran Water District (or its successor district) at the conclusion of its next general  
14 water rate case. This is because many individuals in the Foothills will likely not take  
15 service from the EPCOR water standpipe and station. Moreover, EPCOR anticipates that  
16 the rate could prompt others in the community to initially take service from the standpipe  
17 water service via water hauling, but over time migrate to alternative water supply options.  
18 Consequently, EPCOR would not be able to recoup its initial investment, which would put  
19 the Company and its remaining customers at a disadvantage. Further, consolidation can  
20 protect smaller customer groups that depend upon outsized investments for continued  
21 service. Here, consolidation is needed to mitigate rate impacts for the Foothills, much as  
22 consolidation has and will do for EPCOR's other customers (including for wastewater  
23 customers of Rio Verde Utilities, Inc., should wastewater consolidation proposed in Docket  
24 No. WS-01303A-22-0236 be approved). In short, EPCOR must have consolidation  
25 approved with this application to provide the certainty EPCOR needs to commit to  
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1 construction of a water station and the related necessary infrastructure and providing  
2 standpipe water service in the Foothills.

3 Finally, establishing a CC&N *only* for the purposes of providing standpipe water  
4 service to the residents of Foothills is the only viable option EPCOR can offer. EPCOR  
5 believes that Arizona law allows for the establishment of a “limited CC&N” and is aware  
6 of one other situation in Decision No. 71288 (August 6, 2009) where a CC&N was  
7 approved for Wayward Winds for irrigation water service only. Here, it is simply not  
8 feasible for EPCOR to extend its water service CC&N and incur the costs of extending the  
9 water distribution infrastructure needed to serve the Foothills, especially as a stand-alone  
10 district. But EPCOR has the technical, financial and managerial capability to provide this  
11 limited service to the Foothills, especially given its successful history providing similar  
12 service from its Desert Hills / New River water station approved in Decision No. 76463.

13 EPCOR has reviewed the rules for establishing a CC&N to provide water service  
14 under A.A.C. R14-2-402. Those rules are intended for the situation where a regulated  
15 water public service corporation seeks to extend its CC&N to provide typical water service  
16 to a new residential development with some commercial establishments, for example. The  
17 situation here is very different. EPCOR is only seeking to establish water standpipe service  
18 and provide a limited CC&N in such a way as to provide relief for the residents in the Rio  
19 Verde Foothills area. While EPCOR can provide limited information in support of this  
20 Application, it simply cannot provide much of what would be typically required under  
21 A.A.C. R14-2-402(B)(5). Therefore, EPCOR requests a complete waiver of the rules  
22 regarding what must accompany a CC&N application to establish water service, absent  
23 what is provided herein.

1 **II. Application For Approval of the Proposed Standpipe Water Tariff**

2 1. EPCOR Water Arizona Inc. is an Arizona corporation engaged in providing  
3 water service in several Arizona counties. EPCOR is a wholly owned subsidiary of EPCOR  
4 USA Inc. (“EPCOR USA”).

5 2. EPCOR submits its proposed Standpipe Water Tariff to address the  
6 emergency situation affecting residents in the Foothills area. EPCOR provided an initial  
7 response to the Foothills situation in Docket No. WS-0000A-22-0294 on August 26, 2022,  
8 attached as Exhibit 1 to this pleading. Many residents had been relying on standpipe  
9 service provided by the City of Scottsdale, but that service is ending, perhaps as soon as  
10 December 31, 2022. Even if the City of Scottsdale were to postpone the cutoff date,  
11 current water hauling arrangements with the City of Scottsdale will eventually be  
12 terminated and will not be renewed indefinitely. EPCOR understands that no municipality  
13 or provider is providing or has the obligation to provide any water service to these residents  
14 (the current arrangement with the City of Scottsdale is a voluntary and temporary  
15 arrangement).

16 3. EPCOR is in a position to pursue a solution for these residents in the longer  
17 term. EPCOR will explore several options, including potentially acquiring or leasing  
18 property within, contiguous, or in close proximity to Rio Verde’s water district service  
19 territory. While other options will be explored, EPCOR may have to construct separate  
20 facilities (including a well, storage tank, SCADA, possibly arsenic treatment facilities, and  
21 the station itself) that would be accessible to water haulers who would then haul water to  
22 residents in the Foothills area, and for those particular residents with hauling equipment.

23 4. While EPCOR is currently exploring multiple alternatives to provide  
24 standpipe water service as cost effectively as possible (including utilization of existing  
25 infrastructure) it can provide no guarantees that any such alternative will prove viable.  
26 Thus, among the items that EPCOR may have to successfully achieve are the following: (1)

1 acquire land on which to place the standpipe; (2) obtain adequate water rights to provide  
2 the service separate and apart from the water resources that will be used to serve its Rio  
3 Verde Utilities, Inc. water district; (3) possibly drill a new well from which to pump the  
4 water needed to physically supply the standpipe; (4) build any other infrastructure needed  
5 to ensure an operational standpipe (storage tank, SCADA, arsenic treatment, transmission  
6 mains, water station etc.); and (5) achieve these items while addressing supply chain  
7 constraints, potential delays in obtaining permits, and actually obtaining a site for the water  
8 station *and* design the station so that it can provide standpipe water service.

9         5. EPCOR's best estimate is that it will take *at least* 24-to-36 months from the  
10 date the Commission approved a standpipe tariff if it needs to construct the water station  
11 and related facilities and begin provide such service to the Foothills. Depending on what  
12 exactly is needed, what water rights may be available and other factors outside of its  
13 control, the timeframe could well exceed 36 months.

14         6. EPCOR does not currently have a tariff for this specific service to serve the  
15 residents within the Foothills. The Company proposes this tariff specifically for the  
16 purpose of providing service through the water-hauling station so that residents can haul or  
17 have water hauled to their residences.<sup>6</sup> EPCOR anticipates that a half-dozen haulers and a  
18 few residents will utilize this service, and each will be required to have accounts with the  
19 Company (among the other requirements set forth in the proposed tariff). Attached as  
20 Exhibit 2 is the proposed Standpipe Water Tariff that EPCOR is requesting the  
21 Commission approve.

22         7. The Company's proposed rate for this service is \$20.00 per-1,000 gallons,  
23 which includes estimated costs of the investment, depreciation, operations and maintenance  
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25 <sup>6</sup> The tariff is currently drafted as either water haulers or individual residents having customer accounts with  
26 EPCOR. EPCOR continues to explore alternatives, to the extent such alternatives can reduce the risk of  
water being taken from the standpipe / water station not being used for its intended purpose. Should an  
alternative or alternatives be reached, EPCOR will amend the proposed tariff accordingly.

1 for all necessary facilities for the “Rio Verde Foothills Water Station” as has been  
2 described, and any other necessary facilities, as well as considering anticipated sales  
3 volumes. Further, the intent of the proposed water-hauling rate is to balance the need to  
4 recoup its investment from Foothills standpipe water service customers with a rate that is  
5 not so high as to make it cost prohibitive to all such customers.<sup>7</sup> Even so, EPCOR submits  
6 that the overall impact of the proposed rate and tariff to its revenues is de minimus as  
7 compared to the rest of its Arizona operations, and any impact to EPCOR’s fair value rate  
8 base and rate of return would also be de minimus.<sup>8</sup>

9 8. EPCOR believes its request is in the public interest and that the Commission  
10 has the authority under Arizona law to approve the tariff and the rate requested herein.  
11 Further, because EPCOR’s proposed tariff and rate is to address an emergency situation,  
12 EPCOR respectfully requests approval on an expedited basis.

13 9. As part of approval of the tariff, EPCOR requests that the Commission issue  
14 an order approving consolidation of the standpipe water service approved herein with  
15 EPCOR’s larger water district (whether that be its Sonoran Water District or the resulting  
16 consolidated water district) and that such consolidation would take effect at the conclusion  
17 of EPCOR’s next general water rate case.

18 10. As part of the consolidation request, EPCOR further seeks and must obtain an  
19 ordering paragraph that allows for a true-up when actual costs are known and the water  
20 standpipe / station becomes operational, or when consolidation of the water station occurs  
21 with a larger EPCOR water district at the conclusion of EPCOR’s next Arizona water rate  
22 case. EPCOR would seek to true up the rate for any under-recovery or over-recovery. As  
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24 <sup>7</sup> As stated herein, the guarantee of consolidation with its larger Sonoran Water District in (or whatever  
consolidated district results from) EPCOR’s next rate case is vital; otherwise, EPCOR cannot proceed.

25 <sup>8</sup> According to EPCOR’s most recent Arizona water rate case decision, EPCOR’s fair value rate base was  
26 \$525,977,715. See Decision No. 78439 (February 1, 2022) at Conclusion of Law 4. Even if the total cost of  
the “Rio Verde Foothills Water Station” was \$12.0 million, this would represent 2.3% of EPCOR’s FVRB  
(\$12,000,000 / \$525,977,715). This does not include the San Tan Water District.



1 part of the true up, EPCOR also requests that the Commission order the performance of a  
2 cost of service analysis to both ensure that customers are protected from overcollection and  
3 EPCOR is able to recoup its investment – similar to what is required for the Desert Hills /  
4 New River water station approved in Decision No. 76473.

5 **III. Application for a Certificate of Convenience and Necessity to Provide**  
6 **Standpipe Service.**

7 The Company seeks a waiver from A.A.C. R14-2-402 since, as explained above, the  
8 request to establish a limited CC&N here is substantially different than the typical request  
9 and is really outside the scope of what the rule was intended. EPCOR simply cannot  
10 provide what would normally be required given the circumstances of this particular  
11 application. Even so, the Company submits the following information to support this  
12 Application pursuant to R14-2-402, as applicable:

13 1. The legal name of the Company, its mailing address, and telephone number  
14 are:

15 EPCOR Water Arizona Inc.  
16 2355 West Pinnacle Peak Road, Suite 300  
17 Phoenix, Arizona 85027  
18 (623) 445-2455

19 The Company operates its water utility business under this name.

20 2. The management contact for the Company is Thomas A. Loquvam, its Vice  
21 President of Public Policy, direct telephone number is (623) 445-2449 and mailing address  
22 is provided in Paragraph 1.

23 3. The attorney for EPCOR responsible for the application is Jason D. Gellman.  
24 Mr. Gellman's direct number is (623) 445-2442 and his mailing address is provided in  
25 Paragraph 1.

1           4.       All requests for information should be directed to Mr. Loquvam with a copy  
2 to Mr. Gellman’s attention on behalf of the Company. Their email addresses are  
3 [tloquvam@epcor.com](mailto:tloquvam@epcor.com) and [jgellman@epcor.com](mailto:jgellman@epcor.com), respectively.

4           5.       EPCOR has not yet determined the operator for the Foothills water station /  
5 standpipe will be, but will have an operator certified by the Arizona Department of  
6 Environmental Quality (“ADEQ”) and employed by the Company in place upon its  
7 operation, unless other alternatives being explored manifest to fruition. EPCOR’s manager  
8 for the operations for the Rio Verde Foothills area currently is Frank Metzler whose  
9 mailing address is 2355 W. Pinnacle Peak Road, Ste. 300, Phoenix, AZ 85027. Mr.  
10 Metzler’s telephone number is (623) 445-2439.

11           6.       The Company is an Arizona corporation. For federal tax purposes, the  
12 Company is structured as a “C” corporation.

13           7.       A list of the names, titles and mailing addresses of all Company officers and  
14 directors is attached hereto as Exhibit 3.

15           8.       A copy of the Company’s “Certificate of Good Standing” is attached hereto  
16 as Exhibit 4.

17           9.       The Company’s Articles of Incorporation and By-Laws are not required to be  
18 provided with this Application.

19           10.      The Company is authorized to issue 600,000 shares of stock. As of July 1,  
20 2017, 104,576 shares are issued and outstanding. The last issuance date was August 12,  
21 1998.

22           11.      The Company does not have an ownership interest in any other utility.

23           12.      A general map of the Foothills area is attached hereto as Exhibit 5. EPCOR  
24 does not have a precise legal description expressed in metes and bounds, nor does it have  
25 the requisite information in its possession to provide such a description. EPCOR is seeking  
26 to provide water standpipe service to only those residents in the area identified as “Rio

1 Verde Foothills” in Exhibit 5 (*i.e.*, the gray area in the exhibit) and *only* for homes that are  
2 built as of January 1, 2024.

3 13. The requested Foothills area is located in the unincorporated area of  
4 Maricopa County, northeast of Fountain Hills.

5 14. The facilities proposed for construction potentially include a new well,  
6 storage tank, station infrastructure, SCADA (supervisory control and data acquisition) and  
7 possibly arsenic treatment (*i.e.*, more facilities than what was necessary for the Desert Hills  
8 / New River Water Station).

9 15. The estimated total construction cost of the proposed on-site and off-site  
10 water facilities is at least \$6,000,000 not including land acquisition, but this is *only* an  
11 estimate for the design and construction of the water station and related facilities needed to  
12 provide service. The total cost could be as high as \$10.0 to \$12.0 million dependent on the  
13 ultimate buildout and configuration. A precise construction timeline cannot be provided at  
14 this time, because many options are being explored. The proposed facilities will be funded  
15 through existing debt / equity financing since this is not the typical type of extension of  
16 facilities into new developments and is standpipe service only.

17 16. A copy of the Company’s proposed tariff for rates, terms and conditions for  
18 standpipe water service, which the Company is requesting approval for, is attached hereto  
19 as Exhibit 2.

20 17. Because of the nature of this Application, the Company does not have  
21 estimated annual operating revenues and expenses for the first five years of operation for  
22 the requested Foothills area.

23 18. Due to the nature of this Application, the Company does not have any  
24 requests for service. The Company is *only* seeking to make standpipe water service  
25 available to certain customers in the Foothills area who otherwise may not have access to  
26 water. The Company will not be extending any water distribution facilities into the area

1 depicted in Exhibit 5. Similarly, the Company does not have additional maps of the  
2 requested Foothills area.

3 19. The Company does not have any connections within the Foothills area that  
4 are currently provided with water service by the Company.

5 20. A copy of the notice of application to be sent to Maricopa County, the City of  
6 Scottsdale, the Town of Fountain Hills, Fort McDowell Yavapai Nation, and other  
7 governmental entities. A listing of these entities and their mailing addresses, is attached  
8 hereto as Exhibit 6.

9 21. The Company will provide notice to landowners in the Foothills area as  
10 ordered by the Commission and to the extent such landowners can be identified.

11 22. The Company will obtain all municipal, county and state agency approvals  
12 required to construct whatever facilities ultimately will be necessary, and to operate those  
13 facilities in order to provide the limited standpipe water service within the requested  
14 Foothills area.

15 23. Given the nature and circumstances surrounding this Application, the  
16 Company does not have an estimate of the number residential customers that will utilize the  
17 standpipe water service. Per the tariff, the Company proposes to limit the use of standpipe  
18 to only those water haulers and individuals serving homes within the area identified in  
19 Exhibit 5 constructed on or before January 1, 2024.

20 24. The Company does not have knowledge as to the specifics of whether, who  
21 and how wastewater service is provided in the Foothills area.

22 25. Since the Company is only seeking to provide standpipe water service to the  
23 Foothills area, the Company will not be implementing Best Management Practices  
24 (“BMPs”) tariffs for water conservation as it has in effect for its water districts throughout  
25 Arizona. Even so, the Company is not opposed to examining opportunities to promote  
26 water conservation with this service to the extent practicable.

1           26.    The source of water for the standpipe water service will likely be a  
2 combination of groundwater and surface water through various wells that may be the  
3 subject of one or more agreements.<sup>9</sup> The standpipe water service will not impact the water  
4 resources and availability for current and future customers within the CC&N for the water  
5 customers within Rio Verde. The purpose for the standpipe will be for residential water use  
6 only, and not for the purposes of irrigating golf courses, ornamental lakes or other aesthetic  
7 water features.

8           27.    Since the purpose will be to provide standpipe water service only, no  
9 facilities will be constructed to deliver reclaimed water to the requested Foothills area. No  
10 recharge facilities will be located within the requested Foothills area.

11          28.    The notarized signature of Mr. Loquvam, signing on behalf of the Company,  
12 is attached as Exhibit 7 to this Application.

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<sup>9</sup> Negotiations are underway with various entities but no agreements have been obtained as of the date of  
this application. These negotiations are currently confidential.

1 WHEREFORE, the Company respectfully requests that the Commission:

- 2 (1) Approve its Application, after notice and opportunity to be heard, in accordance  
3 with A.A.C. R14-2-411(C);
- 4 (2) A complete waiver of A.A.C. R14-2-402(B)(5), or of any requirements contained  
5 in A.A.C. R14-2-402 not relevant to the limited service EPCOR is proposing  
6 through this Application or which EPCOR cannot provide, other than what is  
7 contained in this Application;
- 8 (3) Approve consolidation of the standpipe water service with EPCOR's larger  
9 Sonoran Water District, or whatever consolidated district results, at the  
10 conclusion of its next general water rate case;
- 11 (4) Order the performance of an annual cost of service analysis to ensure that  
12 EPCOR is able to recoup its investment – similar to what is required for the  
13 Desert Hills / New River water station.
- 14 (5) Grant the Company additional relief as the Commission deems just and proper.

15 RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of October, 2022.

16 EPCOR WATER ARIZONA INC.

17  
18 /s/ Jason D. Gellman

19 Jason D. Gellman  
20 2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027

21 Attorney for EPCOR Water Arizona Inc.  
22  
23  
24  
25  
26

1 Original efiled this 13<sup>th</sup> day  
2 of October, 2022, with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington Street  
6 Phoenix, Arizona 85007

7 Copy of the foregoing emailed this  
8 13<sup>th</sup> day of October, 2022,  
9 to:

10 Jane Rodda, Esq.  
11 Chief Administrative Law Judge  
12 Hearing Division  
13 Arizona Corporation Commission  
14 1200 W. Washington Street  
15 Phoenix, Arizona 85007  
16 [hearingdivision@azcc.gov](mailto:hearingdivision@azcc.gov)

17 Robin R. Mitchell, Esq.  
18 Legal Division Chief Counsel/Division Director  
19 Arizona Corporation Commission  
20 1200 W. Washington Street  
21 Phoenix, Arizona 85007  
22 [legaldiv@azcc.gov](mailto:legaldiv@azcc.gov)

23 Elijah Abinah  
24 Director, Utilities Division  
25 Arizona Corporation Commission  
26 1200 W. Washington Street  
Phoenix, Arizona 85007  
[utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)

**Exhibits**

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- Exhibit 1 EPCOR Letter submitted in Docket No. AU0000-22-0194
- Exhibit 2 Proposed Tariff for Rio Verde Foothills Water Station
- Exhibit 3 Company Officers and Directors
- Exhibit 4 Certificate of Good Standing
- Exhibit 5 General Map of Rio Verde Foothills Area
- Exhibit 6 Proposed Form of Notice and Mailing List
- Exhibit 7 Affidavit



Exhibit 1

EPCOR Letter submitted in Docket No. AU0000-22-0194



2355 West Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
[epcor.com](http://epcor.com)

August 26, 2022

VIA ELECTRONIC MAIL ONLY

Elijah O. Abinah  
Utilities Division Director  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007  
[eabinah@azcc.gov](mailto:eabinah@azcc.gov)

RE: ARIZONA CORPORATION COMMISSION INVESTIGATION INTO ALTERNATIVE WATER SERVICE FOR RIO VERDE FOOTHILLS COMMUNITY. (DOCKET NO. W-00000A-22-0194)

I write in response to your August 12, 2022 letter regarding the provision of standpipe water to the Rio Verde Foothills Community (RVFC). In your letter, you posed several questions. Below are EPCOR's responses. EPCOR appreciates the opportunity to participate in this discussion and looks forward to helping identify a solution for the residents of the RVFC that the Commission deems appropriate.

**1. Is your company interested in providing standpipe water services to the RVFC?**

EPCOR is willing to provide standpipe services to the RVFC, but has questions about how that service might be provided, including timing, cost, and the location of a potential standpipe. A primary driver behind EPCOR's willingness to provide service is that the individuals living in the RVFC are in an untenable situation. They will soon lack water and, as a result, may no longer be able to live in their homes. EPCOR has the means and expertise to provide standpipe water and prevent what might otherwise be a very difficult or even tragic outcome for the individuals involved. Because of its concerns, however, EPCOR believes that all options should be seriously evaluated, including a domestic water improvement district (DWID). But if, after due consideration, it is clear that EPCOR is the viable option, EPCOR is willing to provide service with the Commission's guidance and approval.

**2. If so, what steps would your company need to take in order to provide standpipe water services to the RVFC (e.g., acquiring water rights, investing in new infrastructure, etc.)?**

To provide standpipe services to the RVFC, EPCOR would need to (i) acquire land on which to place the standpipe; (ii) obtain adequate water rights to provide the service; (iii) drill a new well from which to pump the water needed to physically supply the standpipe; and, (iv) build any other infrastructure needed to ensure an operational standpipe. It should be noted that under the current circumstances, including supply chain constraints, anticipated delays in obtaining permits, and that EPCOR does not have a site for the project (much less commenced actual design of the standpipe on that site) putting the standpipe in service would take at least 24 months from the date the Commission approved a standpipe tariff.

**3. If your company provided standpipe water services to the RVFC, what would be the estimated cost and who do you propose should bear that cost?**

The infrastructure cost to supply standpipe service to the RVFC could be approximately \$4-5 million. This cost does not include land or the cost of water. As stated, a new well would be needed for a RVFC standpipe because EPCOR's existing well system at its neighboring Rio Verde Water District is at capacity. Until EPCOR locates a site and is able to begin design, it cannot offer a more precise cost.

Beyond infrastructure, the cost of new water supplies is rising. Today, the "marginal" cost of new water supplies can range between \$500 to \$10,000 per acre-foot, depending on the amount sought, the location, and the timeframe over which the water would be taken, among other factors. EPCOR understands that the RVFC water demand is currently estimated to be approximately 150 acre feet per year.

EPCOR calculates that its total cost estimate (infrastructure plus land plus water and expenses) could result in a standpipe rate of up to \$18-20 per thousand gallons. This is a substantial increase from what the RVFC currently pays and higher than EPCOR's existing standpipe tariff at New River. In addition to inflationary pressures, the need to drill a new well, and the high cost of new water supplies, the magnitude of this estimated rate results from the amount of water being provided in relation to the relatively few number of people taking that water. In addition to this rate, the RVFC would need to pay water haulers to bring the water from the standpipe to their homes. It should be noted, however, that a standpipe in EPCOR's Rio Verde Water District is likely closer than the Scottsdale standpipe currently providing water to the RVFC. This proximity might mean a lower cost of third-party water hauling.

Under normal circumstances, EPCOR would propose that if a community requires a standpipe for service, the community should be responsible for the associated costs. In addition to being significant for customers, however, the estimated rate poses a challenge for EPCOR. EPCOR understands that many individuals in the RVFC do not intend to take service from a potential EPCOR standpipe. Moreover, the size of the estimated rate might prompt others in the community to initially take service from the standpipe, but eventually pursue alternative options in response to the rate. This kind of demand elasticity is a natural process in the market, but would undermine EPCOR's ability to recoup its initial investment.<sup>1</sup> And as EPCOR raises its rates to reflect reduced customer usage, the resulting price increases could trigger even more demand elasticity. This would become a self-reinforcing loop that would quickly become unsustainable. The end result would harm EPCOR's ability to be made whole. But perhaps a more acute harm would be suffered by those in the RVFC who, for whatever reason, do not pursue alternative water supply options and would be left with the continued rate increases.

The reality of demand elasticity gives EPCOR pause in committing to a standpipe in the RVFC and complicates cost responsibility for the standpipe. To address EPCOR's concerns and prevent harm to the members of the RVFC, EPCOR believes that the public interest is best served by including the RVFC standpipe in EPCOR's larger water district through consolidation in EPCOR's next general water rate case.

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<sup>1</sup> Along these lines, it may be appropriate to establish an annual cost of service analysis and true up as the Commission ordered in Decision No. 76463 for EPCOR's New River standpipe, at least until the RVFC standpipe is consolidated.

The RVFC situation is an example of when consolidation can protect smaller customer groups that depend upon outsized investments for continued service. Here, consolidation is needed to prevent rate shock for the RVFC. Consolidation would also provide EPCOR the certainty it needs to commit to a standpipe in the RVFC.

Accordingly, if the Commission is inclined to entertain an application for standpipe service in the RVFC from EPCOR, EPCOR will be requesting assurance from the Commission that in EPCOR's next general water rate case, EPCOR will be permitted to consolidate the RVFC standpipe into its broader water district.

**4. Should the Commission designate a public interest for standpipe service to the RVFC or other similarly situated communities?**

Although it is not clear what the phrase "public interest" means in this context, some conclusions can be derived from the context. To the extent that EPCOR is the entity providing water to the RVFC through a standpipe as a public service corporation, at least some level of public interest must exist. What is not clear, however, is the extent to which service can or should be provided to the RVFC under a certificate of convenience and necessity (CC&N). EPCOR understands that it may be difficult for individuals in the RVFC to obtain financing or refinancing for their homes if they cannot demonstrate water supply certainty. Typically this would take the form of a CC&N. Extending a CC&N to cover the RVFC, however, poses some challenges.

In the normal circumstance, extending a CC&N to a new area involves working with developers who build significant portions of the distribution infrastructure needed to serve the developments that warranted a CC&N in the first place. For the RVFC, however, developers were never involved. Instead, RVFC was built bit by bit with "wildcat subdivisions" that were not subject to the code and statutory based requirements for developments. As a result, there is no distribution infrastructure in the RVFC area to EPCOR's knowledge.

Extending EPCOR's CC&N to cover the RVFC would necessitate building that distribution infrastructure. Doing so would be very disruptive to the RVFC, however, and require significant investment. In addition, the rates produced by that investment would be significant, particularly if the RVFC was treated as a standalone district. Accordingly, it is not clear to EPCOR that extending a typical CC&N to cover the RVFC is in the public interest at this time.

Nonetheless, options exist. EPCOR could extend a limited CC&N that guaranteed standpipe service, but only standpipe service, to those within the CC&N. The details of this structure would need to be worked out with stakeholders, but to EPCOR's knowledge, the law does not preclude this kind of approach. EPCOR does not know, however, if this framework would address the water supply concerns raised by banks.

In addition to this option, EPCOR could also offer to extend distribution infrastructure to anyone within the "standpipe CC&N" if the requestor paid, either alone or in conjunction with others in proximity requesting typical service, 75-100% of the cost. The details of this framework and the precise amount of the required cost contribution would also need to be developed collaboratively.

Elijah O. Abinah  
Director, Utilities Division  
August 26, 2022

**5. What criteria should the Commission utilize for such a 'designation'?**

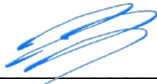
Please see the answer to question #4.

**6. Do you have any alternative options for Commission discussion and consideration?**

EPCOR has no other suggestions for the Commission at this time. EPCOR continues to believe that all options should be seriously evaluated. Given the challenges identified in this letter, it is not clear what is best for the RVFC. Many of the challenges identified in this letter likely exist for any potential water provider and no clear answer exists. If the Commission deems it appropriate, EPCOR is willing to file an application for standpipe service at the RVFC consistent with the concepts raised in this letter.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



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Thomas Loquvam  
General Counsel and VP, Public Policy

## Exhibit 2

### Proposed Tariff for Rio Verde Foothills Water Station

## **Standpipe Water Tariff**

### **Purpose**

For the provisioning of potable water to residents in the Rio Verde Foothills area as precisely described in Decision No. XXXXX.

### **Availability**

Applicable to residents in Rio Verde Foothills only, within the unincorporated areas in Maricopa County, living in a home built before January 1, 2024 ("Residents") and to Water Haulers\* providing potable water to one or more Residents.

### **Schedule of Charges**

All Water Hauled	\$20.00	Per 1,000 gallons
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### **Terms and Conditions for Residents in Rio Verde Foothills**

- 1) Establish an account through the Application process with EPCOR and pay for water at the tariff rate.
- 2) Only take water under this tariff for use in a home in the Rio Verde Foothills area that is built as of January 1, 2024, as identified in Decision No. XXXXX.
- 3) Secure delivery of water sold under this tariff from a Water Hauler that is in compliance with all applicable Arizona laws / rules / standards for hauling potable water.
- 4) The water sold under this tariff will be delivered by a third-party Water Hauler that is not affiliated with EPCOR. EPCOR is not liable to any customer or third party for any Water Hauler's actions or inactions arising from the delivery or use of the water purchased from EPCOR.
- 5) Resident with an account with EPCOR agrees that it will not, under any circumstances, authorize its Water Hauler to provide water for use outside of the Rio Verde Foothills communities. EPCOR reserves the right to terminate a customer's account if the amount of water received from the standpipe under the customer's account exceeds twice the median monthly residential usage in the Rio Verde Foothills Community for more than two months in any given calendar year.
- 6) In addition to the collection of this tariff rate, the Company will collect from its customers a proportionate share of any privilege, sales or use tax per Commission Rule 14-2-409(D)(5).
- 7) A 1½% late payment penalty will be applied to account balances not paid within fifteen (15) days after the postmark date of the bill.

### **Terms and Conditions for Water Haulers**

- 8) Establish an account with EPCOR using EPCOR's application process.
- 9) Water Haulers may not deliver water received from EPCOR at this Standpipe to any person other than a Resident who lives within the service territory of Rio Verde Foothills in a residence that is constructed as of January 1, 2024 and has an account with EPCOR for use within Rio Verde Foothills.

Rio Verde Foothills.  
(Name of Service Area)

- 10) Water Hauler will not introduce any Hazardous Substance (meaning any substance, chemical or waste that is identified as hazardous, toxic, or dangerous under any federal, state, or local law or regulation) at the Water Hauling Facility property.
- 11) Water Haulers must have necessary permits, approvals and authorizations for water hauling, if such permits, approvals or authorizations are required by Federal, State or local law or regulation.
- 12) Water Haulers, once they take water from the Water Hauling Facility, are responsible for the quality of the water (e.g. that the water is potable) and are solely responsible for the safety and the quality of the water it delivers to residents or for Applicant's own use. The Company is not responsible for ensuring the quality of the water once it leaves the Water Hauling Facility.

**Terms and Conditions for Residents and Water Haulers**

- 13) The Company may curtail, restrict or temporarily discontinue the provision of water at the Water Hauling Facility under the rules and regulations of the Arizona Corporation Commission, any applicable Company tariffs governing water service, or as otherwise permitted by law. Any such curtailment, restriction or temporary discontinuance of service will continue only so long as reasonably necessary. The Company will provide notification of the particular circumstances and the estimated length of time during which service will be curtailed, restricted, or temporarily discontinued, and will make reasonable efforts to resume the provision of water as soon as possible.
  - 14) Access to the Water Hauling Facility is only within designated hours (between the hours of 7:00 a.m. and 6:00 p.m.) and only through those points designated specifically for access by water haulers. Attempts to gain access during undesignated hours, or attempting access through any points not specifically designated for access, is not permitted, and doing so may result in the cancellation of the customer and/or Water Hauler account of the person making the attempt.
- \* A "Water Hauler" is either: (1) a vendor or provider that distributes potable water for resale to end users by tank truck or trailer; or (2) is an individual who is providing potable water for his or her own purposes (and is not providing or reselling the water to any other individual or entity) through use of personal equipment to deliver water to his or her property.



Exhibit 3  
Company Officers and Directors

## 2022 ANNUAL REPORT

### ENTITY INFORMATION

**ENTITY NAME:** EPCOR WATER ARIZONA INC.  
**ENTITY ID:** 00420990  
**ENTITY TYPE:** Domestic For-Profit (Business) Corporation  
**CHARACTER OF BUSINESS:** UTILITIES  
**AUTHORIZED SHARES:** Share Class: COMMON Share Series: Share Total: 600000  
**ISSUED SHARES:** Share Class: 104576 Share Series: N/A Share Total: 104576

### STATUTORY AGENT INFORMATION

**STATUTORY AGENT NAME:** C T CORPORATION SYSTEM  
**PHYSICAL ADDRESS:** 3800 N CENTRAL AVE SUITE 460 , PHOENIX, AZ 85012  
**MAILING ADDRESS:** 3800 N CENTRAL AVE SUITE 460 , PHOENIX, AZ 85012

### KNOWN PLACE OF BUSINESS

Att: THOMAS A. LOQUVAM, 2355 W PINNACLE PEAK RD SUITE 300 , PHOENIX, AZ 85027

### PRINCIPAL OFFICE ADDRESS

### PRINCIPAL INFORMATION

Director: GREGORY BARBER - 2355 W PINNACLE PEAK RD #300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 12/11/2017

Director: JOSEPH GYSEL - 2355 W PINNACLE PEAK RD #300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 02/01/2012

Other Officer: DANIEL HOLWERDA - 2355 W PINNACLE PEAK RD SUITE 300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 05/14/2021

Other Officer: GREGORY BARBER - 2355 W PINNACLE PEAK RD SUITE 300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 04/10/2018

President: JOSEPH GYSEL - 2355 W PINNACLE PEAK RD #300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 02/01/2012

Secretary: THOMAS A. LOQUVAM - 2355 W PINNACLE PEAK RD SUITE 300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 12/31/2019

Shareholder: EPCOR USA INC. - 2355 W PINNACLE PEAK ROAD, SUITE 300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 12/31/9999

Treasurer: GREGORY BARBER - 2355 W PINNACLE PEAK RD SUITE 300, PHOENIX, AZ, 85027, USA - - Date of Taking Office: 04/10/2018

### SIGNATURE

Other Officer: DANIEL HOLWERDA - 12/21/2021

Exhibit 4  
Certificate of Good Standing

# STATE OF ARIZONA



**Office of the  
CORPORATION COMMISSION**

**CERTIFICATE OF GOOD STANDING**

I, the undersigned Executive Director of the Arizona Corporation Commission, do hereby certify that:

**EPCOR WATER ARIZONA INC.**

ACC file number: 00420990

was incorporated under the laws of the State of Arizona on 12/30/1949;

That all annual reports owed to date by said corporation have been filed or delivered for filing, and all annual filing fees owed to date have been paid; and

That, according to the records of the Arizona Corporation Commission, said corporation is in good standing in the State of Arizona as of the date this Certificate is issued.

This Certificate relates only to the legal existence of the above named entity as of the date this Certificate is issued, and is not an endorsement, recommendation, or approval of the entity's condition, business activities, affairs, or practices.

IN WITNESS WHEREOF, I have hereunto set my hand, affixed the official seal of the  
Arizona Corporation Commission, and issued this Certificate on this date: **12/22/2021**



A handwritten signature in black ink that reads "Matthew Neubert".

**Matthew Neubert, Executive Director**

Exhibit 5  
General Map of Rio Verde Foothills

# Rio Verde Foothills Vicinity



2355 W. Pinnacle Peak Rd.  
Suite 300  
Phoenix, AZ 85027

- EPCOR Wastewater CC&N
- EPCOR Water CC&N
- Rio Verde Foothills
- City of Scottsdale

September 30, 2022

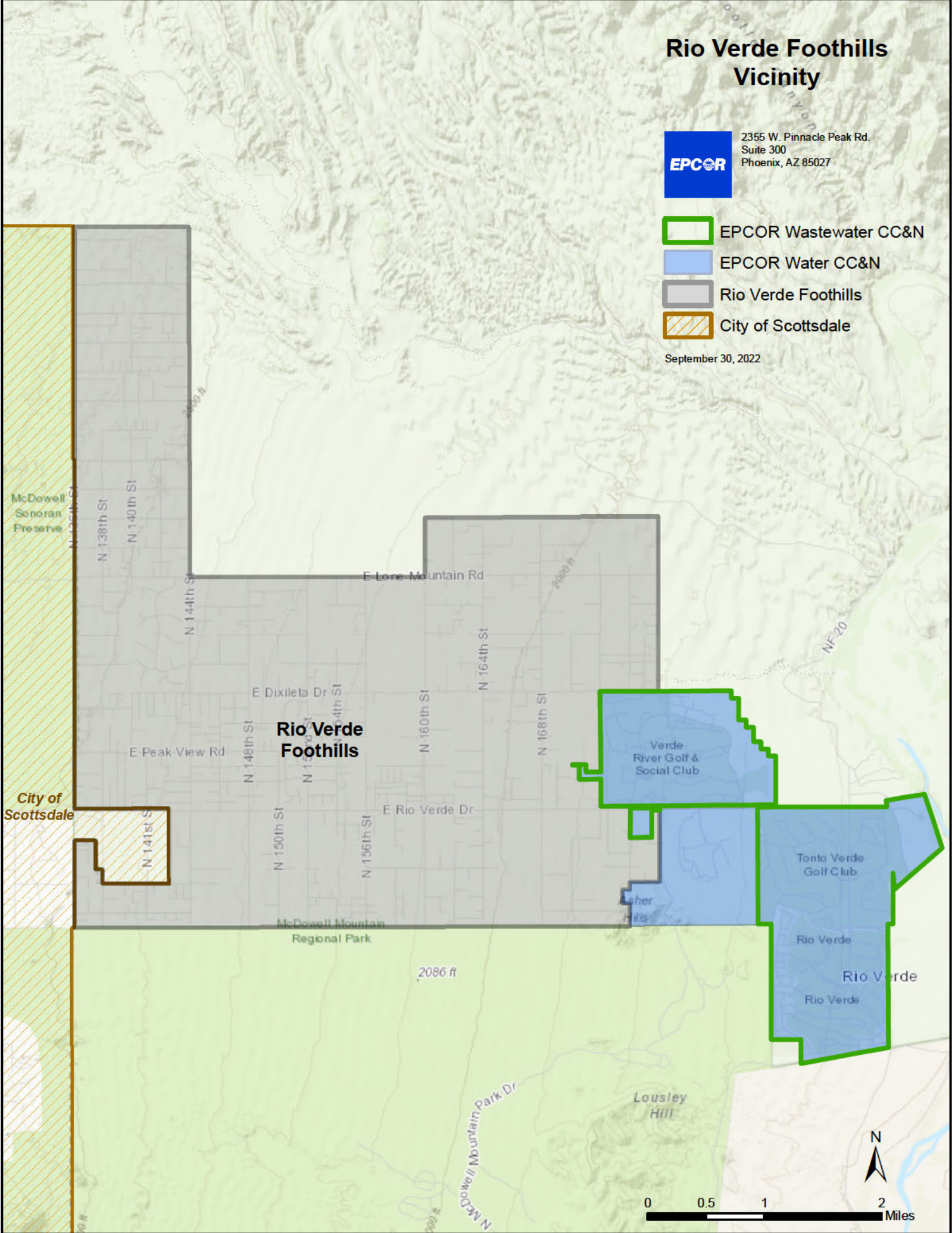


Exhibit 6  
Proposed Form of Notice and Mailing List



2355 W Pinnacle Peak Road, Suite 300  
Phoenix, AZ 85027 USA  
[epcor.com](http://epcor.com)

**INSERT DATE**

**INSERT NAME**

City Manager

**INSERT MUNICIPALITY NAME**

**INSERT ADDRESS 1**

**INSERT ADDRESS 2**

Sent via e-mail to: **INSERT EMAIL ADDRESS**

Re: IN THE MATTER OF THE APPLICATION OF EPCOR WATER ARIZONA INC., AN ARIZONA CORPORATION, (1) FOR APPROVAL OF ITS PROPOSED STANDPIPE WATER TARIFF; AND (2) ESTABLISHMENT OF A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR STANDPIPE WATER SERVICE ONLY TO THE RIO VERDE FOOTHILLS COMMUNITY

Dear **INSERT NAME**:

As the largest private water provider in Arizona, EPCOR delivers water and wastewater service to more than 670,000 people including service to municipalities and unincorporated areas of Maricopa, Mohave, and Pinal Counties.

On **INSERT DATE**, EPCOR Water Arizona Inc. filed an application with the Arizona Corporation Commission (ACC) to provide limited service – specifically water standpipe services – to residents living within the Rio Verde Foothills area. It seeks to do so by establishing a tariff and a limited Certificate of Convenience and Necessity, as well as obtain certain other specific approval. EPCOR is doing is to address an untenable situation for Rio Verde Foothills residents that potentially jeopardizes their ability to live in their homes.

In order to provide this limited water standpipe service to this development, EPCOR must file an application with the ACC requesting approval to establish the limited Certificate of Convenience and Necessity (CC&N). This would be a service on a separate tariff. It would involve water resources independent of Rio Verde Utilities, Inc. The timeframe to build, should it need to construct a wholly separate system, could be at least 24-to-36 months. The cost will likely be at least \$6 million (not including land acquisition and acquiring water rights) and may be double that amount, depending on what facilities are ultimately necessary.

A CC&N (even a limited CC&N) is authorized by the ACC and typically grants a utility the exclusive right and responsibility to provide water and wastewater services within a specified area under rates, charges, terms and conditions established by the ACC. A CC&N does not prohibit an individual from providing services only to themselves using their own facilities on their own property. However, other applicable laws may restrict such activity.



If EPCOR's application is granted, EPCOR will be providing a limited service to residents of the Rio Verde Foothills area. This limited water standpipe service will be subject to the rates, terms and conditions of the approved tariff that is also part of the application. EPCOR is also seeking a waiver of the CC&N rules that typically govern these types of cases, given the unique circumstances that exist in this matter.

EPCOR is providing notice of this application to any municipality within five miles of these properties. The application has been docketed by the Commission in Docket No. **INSERT NUMBER**. EPCOR's application is available on the ACC's website at [azcc.gov](http://azcc.gov), using the eDocket function.

Please feel free to contact me at (623) 445-2442 or [jgellman@epcor.com](mailto:jgellman@epcor.com) if you have any questions.

Sincerely,

*/s/ Jason D. Gellman*

Jason D. Gellman

Associate General Counsel

Enclosures

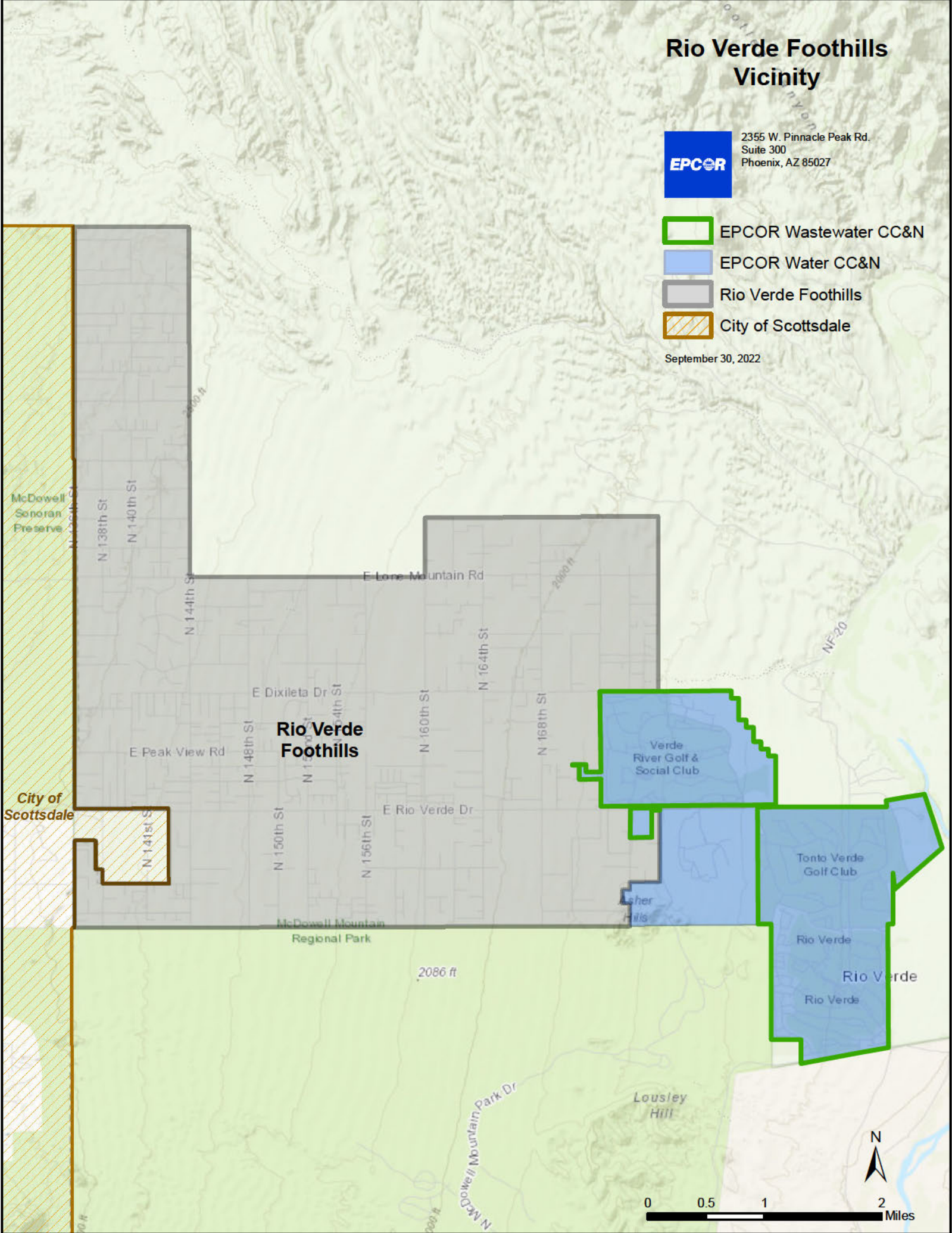
# Rio Verde Foothills Vicinity



2355 W. Pinnacle Peak Rd.  
Suite 300  
Phoenix, AZ 85027

- EPCOR Wastewater CC&N
- EPCOR Water CC&N
- Rio Verde Foothills
- City of Scottsdale

September 30, 2022



## *List of Municipalities and Other Entities*

### Town of Fountain Hills

Grady E. Miller, Town Manager  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268  
480-816-5100  
[gmillers@fountainhillsaz.gov](mailto:gmillers@fountainhillsaz.gov)

### City of Scottsdale

Jim Thompson, City Manager  
City of Scottsdale - City Manager's Office  
3939 N. Drinkwater Blvd.  
Scottsdale, AZ 85251  
480-312-2800  
[CityManager@ScottsdaleAZ.gov](mailto:CityManager@ScottsdaleAZ.gov)

### Maricopa County

Joy Rich, County Manager  
Maricopa County Board of Supervisors  
301 W Jefferson  
10th Floor  
Phoenix, AZ 85003  
602-506-3415  
[CountyManagersOffice@maricopa.gov](mailto:CountyManagersOffice@maricopa.gov)

### Fort McDowell Yavapai Nation

Phillip Dorchester – General Manager  
Tribal Office  
17661 E Yavapai Rd,  
Fort McDowell, AZ 85264  
[pdorchester@fmyn.org](mailto:pdorchester@fmyn.org)  
480-789-7000

Tonto National Forest

Neil Bosworth,  
Forest Supervisor, Tonto National Forest,  
Tonto National Forest Supervisor's Office  
2324 E. McDowell Road  
Phoenix, Arizona 85006  
(602) 225-5200  
[neil.bosworth@usda.gov](mailto:neil.bosworth@usda.gov)

Maricopa County Environmental Services Department

Eric Matson,  
Division Manager Water and Waste Management  
301 West Jefferson Street, Suite 170  
Phoenix, AZ 85003  
[Eric.Matson@maricopa.gov](mailto:Eric.Matson@maricopa.gov)  
(602) 506-6616

Exhibit 7  
Affidavit

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State of Arizona        )  
                                  )  
County of Maricopa    )        ss.


Thomas A. Loquvam, being duly sworn, deposes and says:

1. I am a resident of Maricopa County, over 18 years of age, and make this affidavit based on my own personal knowledge.

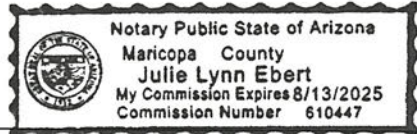
2. I am the General Counsel and Vice President of Public Policy for EPCOR Water Arizona Inc. (the "Company").

3. I hereby certify that the Company's Application (1) for approval of its proposed standpipe water tariff; and (2) establishment of a Certificate of Convenience and Necessity for standpipe water service only to the Rio Verde Foothills community was prepared and filed under my direct supervision.

Dated this 13th day of October, 2022.

  
\_\_\_\_\_  
Thomas A. Loquvam

SUBSCRIBED AND SWORN to before me this 13th day of October, 2022 by Thomas A. Loquvam.



Notary Public  


My Commission Expires:  
Aug 13, 2025

