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ARIZONA CORPORATION COMMISSION

October 7, 2022

Mr. Jason Williamson  
7851 East Academy Boulevard, Suite. 229  
Denver, Colorado 80230

RE: NAVAJO WATER COMPANY, INC.  
DOCKET NO. W-03511A-21-0124  
DECISION NO. 78507

*Notice of Compliance*

Dear Mr. Williamson:

On June 14, 2022, you filed Navajo Water Company, Inc.'s Curtailment Plan tariff in compliance with the above mentioned Decisions. Based upon a review by the analyst(s) assigned, attached is a stamped copy of the approved tariffs, with an effective date of October 5, 2022.

If you have questions regarding the filing of these tariffs, please contact me at (602) 542-0664.

Sincerely,

  
\_\_\_\_\_  
Russ Ullinger  
Compliance Officer/Project Specialist II  
Utilities Division

RFU:mta

Enclosures

cc: Docket Control

On this 7th day of October 2022, the foregoing document was filed with Docket Control as a Memo of Partial Compliance, and copies of the foregoing were mailed on behalf of the Utilities 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 foregoing to the following who have consented to email service.

Jay Shapiro  
Shapiro Law Firm, P.C.  
1819 East Morten Avenue  
Suite 280  
Phoenix, Arizona 85020  
[jay@shaplawaz.com](mailto:jay@shaplawaz.com)

**Consented to Service by Email**

Robin Mitchell  
Director/Chief Counsel, Legal Division  
Arizona Corporation Commission  
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**Consented to Service by Email**

By:   
\_\_\_\_\_  
Marisol Acosta  
Administrative Support Specialist

## TARIFF SCHEDULE

Utility: Navajo Water Company  
 Docket No.: W-03511A-21-0124  
 Phone No.: \_\_\_\_\_

Tariff Sheet No.: \_\_1 of 4\_\_\_\_\_  
 Decision No.: 78507  
 Effective: \_\_\_\_\_

**CURTAILMENT PLAN FOR: NAVAJO WATER COMPANY, INC.**

ADEQ Public Water System No: Laguna Estates (#09-000), Summer Pines (#09-030)  
 and Chaparral Pines (#09-039)

Navajo Water Company ("Company") is authorized to curtail water service to all customers within its certificated area under the terms and conditions listed in this tariff.

This curtailment plan shall become part of the Arizona Department of Environmental Quality Emergency Operations Plan for the Company.

The Company shall notify its customers of this new tariff as part of its next regularly scheduled billing after the effective date of the tariff or no later than sixty (60) days after the effective date of the tariff.

The Company shall provide a copy of the curtailment tariff to any customer, upon request.

**Stage 1 Exists When:**

Company is able to maintain water storage in the system at 100 percent of capacity and there are no known problems with its well production or water storage in the system.

Restrictions: Under Stage 1, the Company is deemed to be operating normally and no curtailment is necessary.

Notice Requirements: Under Stage 1, no notice is necessary.

**Stage 2 Exists When:**

- a. Company's water storage or well production has been less than 80 percent of capacity for at least 48 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 percent. Outside watering should be limited to essential water, dividing outside watering on some uniform basis (such as even and odd days) and eliminating outside watering on weekends and holidays.

**APPROVED FOR FILING**  
**DECISION #:** 78507

## TARIFF SCHEDULE

Utility: Navajo Water Company  
Docket No.: W-03511A-21-0124  
Phone No.: \_\_\_\_\_

Tariff Sheet No.: \_\_2 of 4\_\_\_\_\_  
Decision No.: 78507  
Effective: \_\_\_\_\_

Notice Requirements: Under Stage 2, the Company is required to notify customers by either (1) updating conservation stage signage at the entrances to the subdivision, (2) delivering written notice door to door at each service address, (3) phone call including leaving a voicemail, or (4) email. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.

**Stage 3 Exists When:**

- a. Company's total water storage or well production has been less than 50 percent of capacity for at least 24 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 3, the Company shall inform the customers of a **mandatory** restriction to employ water conservation measures to reduce daily consumption by approximately 50 percent. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed whenever possible. Standpipe service shall be suspended.

Once Stage 3 has been reached, the Company must begin to augment the supply of water by either hauling or through an emergency interconnect with an approved water supply in an attempt to maintain the curtailment at a level no higher than Stage 3 until a permanent solution has been implemented.

Notice Requirements:

1. The Company is required to notify customers by either (1) updating conservation stage signage at the entrances to the subdivision, (2) delivering written notice door to door at each service address, (3) phone call including leaving a voicemail, or (4) email. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Beginning with Stage 3, the Company shall post at least two signs showing the curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. The Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering Stage 3.

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## TARIFF SCHEDULE

Utility: Navajo Water Company  
 Docket No.: W-03511A-21-0124  
 Phone No.: \_\_\_\_\_

Tariff Sheet No.: \_\_3 of 4\_\_\_\_\_  
 Decision No.: 78507  
 Effective: \_\_\_\_\_

**Enforcement:** Once notice of mandatory conservation has been provided, the failure of a customer to comply within one (1) business day or two (2) calendar days of receipt of such notice will result in an immediate disconnection of water service pursuant to A.A.C. R14-2-410(B)(1)(d). The reconnection fee for violation of a Stage 3 curtailment notice shall be:

1 <sup>st</sup> offense:	\$300.00
2 <sup>nd</sup> offense:	\$600.00
3 <sup>rd</sup> offense (and thereafter):	\$1,200.00

If a customer believes he/she has been disconnected in error, the customer should first contact the Company. If the issue is not resolved, the customer may then contact the Commission's Consumer Services Section at 1-800-222-7000 to initiate an investigation.

**Stage 4 Exists When:**

- a. Company's total water storage or well production has been less than 25 percent of capacity for at least 12 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

**Restrictions:** Under Stage 4, Company shall inform the customers of a **mandatory** restriction to employ water conservation measures to reduce daily consumption. Failure to comply will result in customer disconnection. The following uses of water shall be prohibited:

- Irrigation of outdoor lawns, trees, shrubs, or any plant life is prohibited
- Washing of any vehicle is prohibited
- The use of water for dust control or any outdoor cleaning uses is prohibited
- The use of drip or misting systems of any kind is prohibited
- The filling of any swimming pool, spas, fountains or ornamental pools is prohibited
- The use of construction water is prohibited
- Restaurant patrons shall be served water only upon request
- Any other water intensive activity is prohibited

The Company's operation of its standpipe service is prohibited. The addition of new service lines and meter installations is prohibited.

Once Stage 4 has been reached, the Company must augment the supply of water by hauling or through an emergency interconnect from an approved supply or must otherwise provide emergency drinking water for its customers until a permanent solution has been implemented.

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## TARIFF SCHEDULE

Utility: Navajo Water Company  
 Docket No.: W-03511A-21-0124  
 Phone No.: \_\_\_\_\_

Tariff Sheet No.: \_\_4 of 4\_\_\_\_\_  
 Decision No.: 78507  
 Effective: \_\_\_\_\_

Notice Requirements:

1. The Company is required to notify customers by either (1) updating conservation stage signage at the entrances to the subdivision, (2) delivering written notice door to door at each service address, (3) phone call including leaving a voicemail, or (4) email. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Company shall post at least two signs showing curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering Stage 4.

**Enforcement:** Once notice of mandatory conservation has been provided, the failure of a customer to comply within one (1) business day or two (2) calendar days of receipt of such notice will result in an immediate disconnection of water service pursuant to A.A.C. R14-2-410(B)(1)(d). The reconnection fee for violation of a Stage 4 curtailment notice shall be:

1 <sup>st</sup> offense:	\$600.00
2 <sup>nd</sup> offense:	\$1,200.00
3 <sup>rd</sup> offense (and thereafter):	\$2,400.00

If a customer believes he/she has been disconnected in error, the customer should first contact the Company. If the issue is not resolved the customer may then contact the Commission's Consumer Services Section at 1-800-222-7000 to initiate an investigation.

**RECONNECTION FEE**

All reconnection fees shall be cumulative for a calendar year regardless of the stage in which an offense occurs. For example, if a customer fails to meet the requirements under Stage 3 after notice that a curtailment is in effect, the reconnection fee shall be \$300.00. If that same customer, in the same calendar year, commits an offense under Stage 4, the reconnection fee shall be \$1,200. By May 15 and October 15 of each year, the Company will docket a list of all customers who paid reconnection fees for failure to comply with the mandatory provisions of this curtailment tariff.

Any customer who has service terminated per this tariff more than once during a calendar year shall have those terminations count against him/her in the next calendar year for purposes of establishing the reconnection fee, should another termination occur.

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