

STATE OF ARIZONA  
30th LEGISLATURE  
1st REGULAR SESSION

SENATE

S. B. 87  
INTRODUCED  
January 21, 1971

Referred to	Date	Reported Out
Rules		
Committee of Whole		
1st Reading	Aye	No
House Action		
Sent to Governor		Action

Introduced by Senators Goetze, Koory, Holsclaw, O'Connor

AN ACT

RELATING TO PUBLIC UTILITIES; REQUIRING PRIVATE SEWER CORPORATIONS TO OBTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY; DEFINING SUCH CORPORATIONS; AMENDING SECTIONS 40-201 AND 40-281, ARIZONA REVISED STATUTES, AND PROVIDING FOR CONDITIONAL ENACTMENT.

- 1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 40-201, Arizona Revised Statutes, is  
3 amended to read:  
4 40-201. Definitions  
5 In this chapter, unless the context otherwise requires:  
6 1. "Commission" means the Arizona corporation commission.  
7 2. "Electric plant" includes all property used in connection  
8 with the production, transmission or delivery of electricity for  
9 light, heat, or power for sale.  
10 3. "Express corporation" includes every person engaged in  
11 the business of transporting property for compensation on the line  
12 of any common carrier or stage line within this state.  
13 4. "Gas plant" includes all property used in connection with  
14 the production, transmission or delivery of gas for light, heat,  
15 or power for sale.  
16 5. "Pipe line" includes all property used in transmission  
17 for compensation of air, steam or fluid substances, except water,  
18 through pipe lines.  
19 6. "Railroad" includes every railway, other than a street  
20 railroad, operated for public transportation of persons or property.

S.B. 87

1 7. "SEWAGE DISPOSAL SERVICE OR SYSTEM" INCLUDES ALL PROP-  
2 ERTY USED IN CONNECTION WITH THE DISPOSAL, TRANSMISSION, STOR-  
3 AGE OR TREATMENT OF SEWAGE.

4 8. "SEWER CORPORATION" INCLUDES EVERY CORPORATION OR PERSON,  
5 THEIR LESSEES, TRUSTEES, RECEIVERS OR TRUSTEES APPOINTED BY ANY  
6 COURT OWNING, CONTROLLING, OPERATING OR MANAGING ANY SEWAGE  
7 DISPOSAL SERVICE OR SYSTEM WITHIN THIS STATE FOR COMPENSATION.

8 ~~7~~ 9. "Street railroad" includes every railway operated  
9 along any street or public way for public transportation of per-  
10 sons or property, but does not include a commercial or inter-  
11 urban railway.

12 ~~8~~ 10. "Telegraph line" includes all property used in con-  
13 nection with communication by telegraph for compensation, with  
14 or without the use of transmission wires.

15 ~~9~~ 11. "Telephone line" includes all property used in con-  
16 nection with communication by telephone, for compensation, with  
17 or without the use of transmission wires.

18 ~~10~~ 12. "Transportation of persons" includes every service  
19 in connection with the carriage, and delivery of a person and  
20 his baggage.

21 ~~11~~ 13. "Transportation of property" includes every service  
22 in connection with the transportation and handling of property  
23 and transmission of credit by express corporations.

24 ~~12~~ 14. "Water system" includes all property used in con-  
25 nection with the diversion, development, storage, distribution and  
26 sale, of water for beneficial uses for compensation.

27 Sec. 2. Section 40-281, Arizona Revised Statutes, is  
28 amended to read:

29 40-281. Certificate required before construction  
30 by public service corporation; excep-  
31 tions; complaint by corporation in-  
32 juriously affected by construction;  
33 hearing

34 A. A street railroad, gas, electrical, telephone, pri-  
35 vate fire protection service, SEWER or water corporation shall  
36 not begin construction of a street railroad, a line, plant,

S.B. 87

1 service or system, or any extension thereof, without first  
2 having obtained from the commission a certificate of public  
3 convenience and necessity.

4 B. This section shall not require such corporation to se-  
5 cure such a certificate for an extension within a city, county  
6 or town within which it has theretofore lawfully commenced op-  
7 erations, or for an extension into territory either within or  
8 without a city, county or town, contiguous to its street rail-  
9 road or line, plant or system, and not theretofore served by a  
10 public service corporation of like character, or for an exten-  
11 sion within or to territory already served by it, necessary in  
12 the ordinary course of its business. If a public service corpo-  
13 ration, in constructing or extending its line, plant or system,  
14 interferes or is about to interfere with the operation of the  
15 line, plant or system of any other public service corporation  
16 already constructed, the commission, on complaint of the corpo-  
17 ration claiming to be injuriously affected, may, after hearing,  
18 make an order and prescribe terms and conditions for the loca-  
19 tion of lines, plants or systems affected as it deems just and  
20 reasonable.

21 C. No such corporation shall exercise any right or privi-  
22 lege under any franchise or permit without first having obtained  
23 from the commission a certificate of public convenience and neces-  
24 sity.

25 D. Nothing in this article shall be construed to make pri-  
26 vate fire protection service corporations subject to the provi-  
27 sions of paragraph A, section 9-515 and paragraph A, section 9-  
28 516, or grant to any existing certificated fire protection serv-  
29 ice corporation any priority when making application for a cer-  
30 tificate to serve an uncertificated area.

31 Sec. 3. Conditional enactment

32 This act shall not become effective until such time as the  
33 Constitution of Arizona is amended by vote of the people to in-  
34 clude within the definition of a public service corporation  
35 corporations other than municipal engaged in furnishing sewage  
36 disposal service.