

BEFORE THE ARKANSAS NATURAL RESOURCES COMMISSION

In the matter of: **Shaw Community Water and Sewer
Public Facilities Board Application for
Water Plan Compliance**

WPC 2005 02 01-001

On December 13, 2005, the Arkansas Natural Resources Commission convened to hear an appeal by the Shaw Community Water and Sewer Public Facilities Board (Shaw PFB) of the Executive Director's Final Determination, Arkansas Water Plan Compliance, in the matter of the Board's Application for Water Plan Compliance. Commissioners Ann Cash, Corbet Lamkin, David Feilke, Robert White, Daniel Bryant, and Alec Farmer were present, and Chairman Robert Newell presided. The Shaw PFB was present by its attorney, Dustin Dyer, and the Commission's staff was represented by Edward Swaim, General Counsel. Arguments were heard by the Commission.

Findings of Fact and Conclusions of Law

1. The Executive Director entered the Final Determination in accordance with Arkansas Code Annotated § 15-22-503 and Title VI of the Commission's Rules.
2. The appeal was properly taken under the terms of Titles I and VI of the Commission's Rules and the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, *et seq.*
3. The record of the Executive Director's decision was provided to the commissioners and to the Shaw PFB's attorney by mail prior to the hearing.
4. The Executive Director's Final Determination was entered into consistent with constitutional and statutory provisions, within the Commission's statutory authority, on lawful procedure, not affected by other error or law, based upon substantial evidence of record, and was not arbitrary, capricious, or characterized by abuse of discretion.

Order

1. The Executive Director's Final Determination is upheld by unanimous vote of the Commission and is hereby adopted by the Commission in its entirety and made a part of this Order as Exhibit A

BY ORDER OF THE COMMISSION, the decision having been made on December 13, 2005, is now entered for that day.



A handwritten signature in cursive script, appearing to read "Ann Cash", is written over a horizontal line.

Ann Cash
Chairman