ARIZONA CORPORATION COMMISSION
FORMAL COMPLAINT FORM

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ORIGINAL

FORMAL COMPLAINT

COMPLAINT Richard N. Corrow	COMPLAINT NUMBER 2004-32134
ADDRESS 566 Del Norte Lane, Santa Fe, NM 87501-1322	PHONE (HOME) 505-955-9966
NAME OF RESPONSIBLE PARTY Richard N. Corrow	PHONE (WORK) 505-690-7600
NAME OF UTILITY Arizona Water Company	ACCOUNT NUMBER

GROUNDS FOR COMPLAINT: (COMPLETE STATEMENT OF THE GROUNDS FOR COMPLAINT. INDICATING DATE(S) OF COMMISSION/OMISSION OR ACTS OR THINGS COMPLAINED OF.) (USE ADDITIONAL PAGE IF NECESSARY.)

see attached letter.

W-01445A-04-0622

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2004 AUG 25 P 3:49
AZ CORP COMMISSION
DOCUMENT CONTROL

NATURE OF RELIEF SOUGHT: (USE ADDITIONAL PAGE IF NECESSARY.)

release of installation from main extension required by Arizona water Company and allow remote meter location.

Arizona Corporation Commission
DOCKETED
AUG 25 2004
DOCKETED BY

SIGNATURE OF COMPLAINANT OR ATTORNEY

Richard N. Corrow
566 Del Norte Lane
Santa Fe, NM 87501
August 19, 2004

Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007-2927

Re: Case No. 2004-32134

Dear Commissioners:

This is a request for a hearing by the Corporation Commission to overturn or modify an unsound decision by the Arizona Water Company (A.W.C.) that places an undo burden on a property owner.

Attached is an accurate map of the area. It is a combined map of the Pinal County Assessors map and A.W.C.'s own map showing their existing water mains and rights-of-way. Please note the right-of-way going east and west starting from Geronimo Road colored orange. This is an existing recorded right-of-way that gives direct access to the only undeveloped property in the area shown shaded in green lines.

To try and be brief as possible, we own lots 5c and 5d, shown in yellow, on the enclosed parcel map. Lots 5a and 5b owned by our neighbors to the north have been combined and have one house straddling the shared property line. A meter at the end of S. Prospectors Road just south of lot 5e serves these lots. The owners of 5a and 5b will not grant an easement to allow a water main to pass through the western edge of their property.

Prospectors Road dead ends and splits into two easement drives, one on the east side of lots 4J and 4G proceeding north, the other on the west side of lots 5D and 5E where it dead ends. All of the properties as shown on the parcel map provided herein, with the exception noted above, have water and most are served by Arizona Water Company. Several properties to the west of our property are served by meters set at the south east corner of lot 4G. As both lanes going north from the end of Prospectors road are private, it would seem to make sense that a water main extension THAT ONLY- MAYBE - WILL EVER BE USED would be more suitably placed where A.W.C. has an existing right-of-way.

This area is zoned one acre and will remain that way for 50 years ahead or more. The two undeveloped lots referred to earlier are owned by the same individual and could be split into fifteen lots. Any developer doing that big of a project could easily absorb infrastructure costs to bring water in from Geronimo Road where the company has existing right-of-way.

A.W.C.'s position is that they will take advantage of any opportunity to put in mains at anyone's expense – even a homeowner who may have to shell out $16,000.00 and then

dogleg over to some other property or thoroughfare. We could serve our property from a meter set at the end of Prospectors Road and run it to our property for only $1,500.00.

When I asked for a rebate of my costs in the future if any one hooks into this main I was informed that it was not required. Many states require rebates to developers for part of the cost from future developers who extend such utilities. A.W.C. said they would rebate me 10% of the water used by this pipe. I'll be dead and long gone before I see any of that money and it would never come close to the costs incurred. On this issue alone it is time for a change and would like my representatives to propose to our state legislature and Corporation Commission a change. As the valley develops, small land owners like myself who must put in these expensive utilities should have some recourse for being reimbursed by large scale developments that hookup to private land owners previously installed utilities. Supervisor Sandie Smith of Pinal County has indicated to me she supports such legislation and State Representatives Ernest Bustamante and Cheryl Chase are awaiting the outcome of this hearing before proceeding with further action in this matter.

I don't think holding a gun to the head of owners of small developments that can be served simply, and does not affect the common good of the area in general, is useful. My family is hoping that the Corporation Commission looks at cases like this on a case-by-case basis and would inject some reason into this situation. As an aside, A.W.C. would save money in maintenance by not continuing this main at this time and a studious review of the area one would surmise that a continuation of this main will never happen anyway. We recognize that the county should have required developers to install utilities as part of the original lot split. I respectfully suggest that the Corporation Commission's time would be better served working with all the counties of Arizona at creating uniform compliance to this requirement to prevent these unfortunate incidents.

We have made every effort to get some compromise from A.W.C. to no avail. We hoped to start building our home six months ago in February. Not having the funds to install this water main, we had to postpone construction until borrowing more money on my credit line to come up with the $16,179.00, obviously a serious hardship. In this whole area, these would be the last two remote meter installations necessary and A.W.C. only ended this practice last year and grandfathering in this project would not have any negative affect on their bottom line.

As a compromise on our part, we will grant an easement over our westerly boundary for future use by A.W.C. in the event they find away to proceed with this main to the north.

Your assistance in this matter is greatly appreciated and we would be most grateful for your quick response. If you wish to call, I can be reached at 800-394-5763.

Sincerely,

Richard N. Corrow
Property Owner

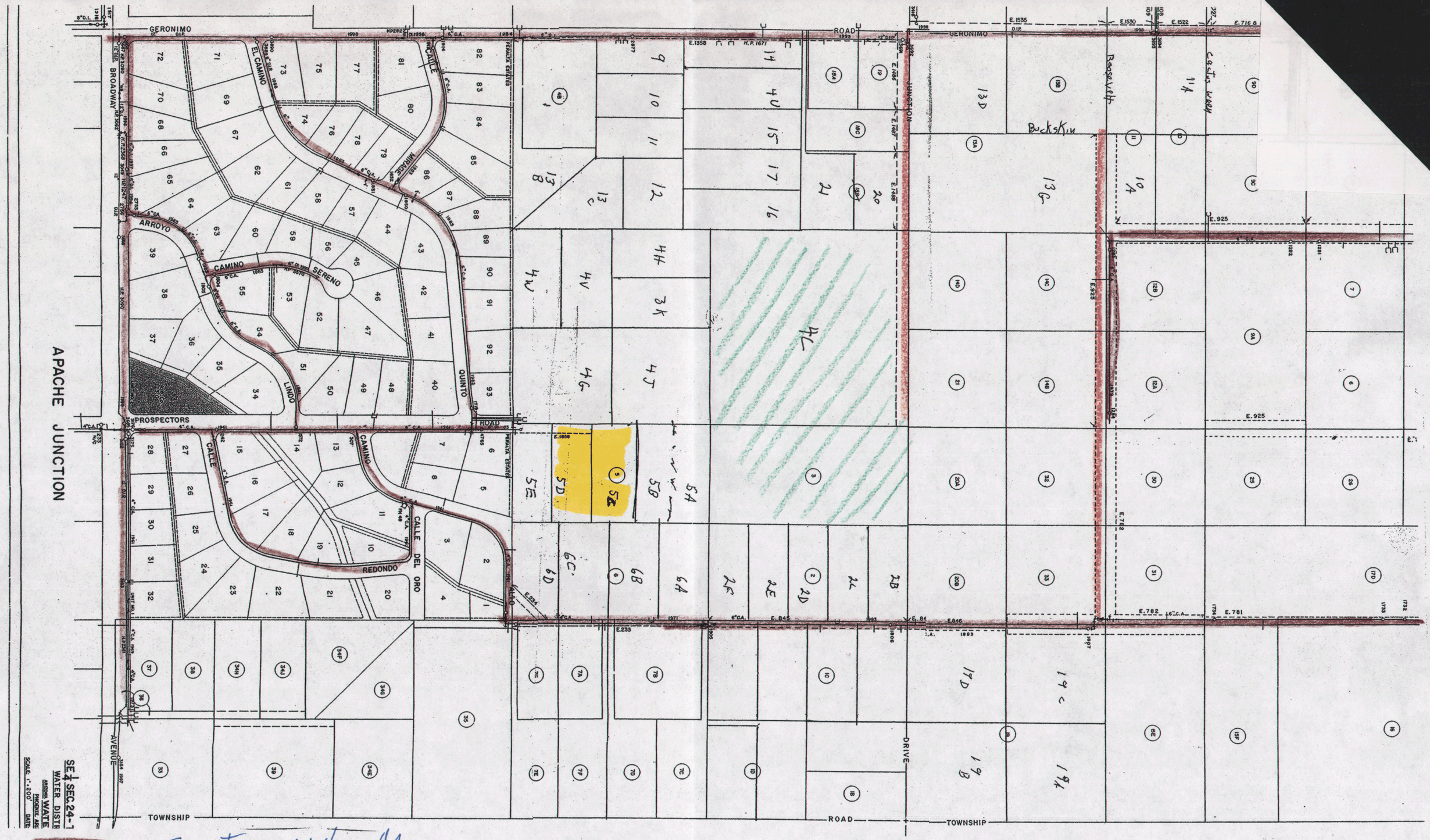
BELOW - VEIW FACING NORTH FROM END OF S. PROSPETORS ROAD

EXISTING REMOTE METER BOXES REFERRED TO IN TEXT

NOTE END OF PAVEMENT

PRESENT END OF MAIN AND LOCATION FOR REQUESTED NEW REMOTE METER LOCATION NEXT TO METER FOR ASSESSOR'S PARCEL # 5E

VIEW FROM CORROW PROPERTY FACING SOUTH



Existing Water Main
unused Right-Way
undeveloped
Subject property

RICHARD N. CORROW
DONNA L. CORROW
566 DEL NORTE LANE
SANTA FE, NM 87501