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San Manuel, AZ 85631  
July 05, 2005

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Ms. Lyn Farmer  
Chief, Hearing Division  
Arizona Corporation Division  
1200 West Washington Street  
Phoenix, AZ 85007

AZ CORP COMMISSION  
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Arizona Corporation Commission  
DOCKETED

Dear Honorable Jane L. Rodda:

JUL 06 2005

Docket #SW-04305A-05-0086  
#SW-04305A-05-0087 ←

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We are writing you from the prospective of a BHP Copper, Inc. household sewer service consumer. As a result of Ray Ford attending the hearing brought before you concerning the recently proposed sewer plant, it is just today that our community is in the early stages of being informed that the current sewer system should by law possess a Certificate of Convenience and Necessity in order to provide wastewater service to a portion of Pinal County with the current sewer plant being that of BHP Copper, Inc.

The San Manuel public, according to the 2000 census, has a population of 4375 of which approximately 52% are retirees. As a consumer of a service from a private company it is our request that the Utility Division of the Ariz. Corporation Commission does not grant Authority for any private company to issue Short and Long Term Debt onto the San Manuel public.

There has been much confusion surrounding the responsibilities of the BHP Copper, Inc. sewer plant to its San Manuel consumers. Does BHP Copper, Inc. have the legal authority to divest itself solely and separately from its existing sewer obligations? Since original sewer ownership was tied to a mining company owner, Magma Copper Company (who acted as a developer) does BHP Copper Inc., as current owners of the mine, have the right to change anything agreed to in the provisions to the homeowners of San Manuel regarding the sewer obligations named in the original public reports Reference No. 23,571 and Reference No. 26,404? Is it legal for the Utilities Division to grant authority to pass the costs of a private company by bond onto the public?

Additionally, since BHP Copper, Inc. is likely able to meet the 40/60 equity ratio guideline required for a new sewer builder shouldn't the Utilities Division protect the San Manuel sewer service consumers from a private sewer builder who has less equity than what exists with our currently obligated sewer provider, BHP Copper, Inc.?

BHP Copper, Inc. should fulfill its sewer obligations to San Manuel by charging a fair market value for its services. Fair market value in the San Pedro River Valley ranges

from \$12 to \$18 per month for sewer services. We respectfully request that this be a consideration taken into account regarding any change in our rates for service.

In order to allow our community the time and opportunity to access legal counsel so our questions can be answered and a precise examination of the recently discovered facts can be made on our behalf, please at the very least hold up your decision on the proposals contained within the above named dockets.

Respectfully submitted,

  
Timothy R. McBirnie

  
Cheryl McBirnie