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San Manuel, AZ 85631

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Dear Honorable Jane L. Rodda:

2005 JUL 13 P 3: 31

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

AZ CORP COMMISSION  
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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 State of Arizona Department of Real Estate Final Subdivision 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, *Wilma F. Akers*

San Manuel, AZ 85631

Subject: Proposed transfer of sewage treatment responsibility from BHP to others.

Dear Honorable Jane L. Rodda:

At first I was alarmed at the exorbitant amount of money we as home and business owners in San Manuel may have to pay monthly if this transition comes to pass. After attending the public hearing June 29, 2005 between the Corporation Commission and Coronado Utility Co., I am more alarmed that BHP has been allowed to operate (and continues to operate) a sewage facility that does not meet the safety standards required of such a facility. I am now asking where the regulating authorities were who are responsible for overseeing and regulating such entities and why have they overlooked this infraction?

BHP has not been held accountable for running a compliant facility. Apparently BHP is attempting to deflect the responsibility of rectifying this to the taxpayers of San Manuel. As one of those taxpayers, I vehemently oppose this tactic. BHP has an obligation to supply the community with sewage treatment as stated in our deeds. They should have been maintaining this facility all along, making needed upgrades, and meeting industry standards. BHP has shirked its responsibility to this community and should be held legally liable to rectify this situation. The Corporation Commission should not even be trying to decide the issue of whether or not Coronado Utility Co. is competent and their rates fair, but should be concentrating on insuring that San Manuel has a proper sewage treatment plant.

Respectfully, *Thilma J. Akere*