



0000031652



**ORIGINAL
WHISPERING PINES FIRE**

HC8 Box 701A • Payson, Arizona 85541 • Telephone (928) 474-3088 • Fax (928) 472-3392

RECEIVED

2005 OCT -6 P 2:51

AZ CORP COMMISSION
DOCUMENT CONTROL
October 4, 2005

Chairman Jeff Hatch-Miller
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner William Mundell
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Kristin K. Mayes
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Mike Gleason
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Marc Spitzer
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

RE: Intervention in Docket No. W-03514A-05-0352 for a variance to the moratorium on new water meter connections at Brooke Utilities, Inc., Payson Water Co., Geronimo System

Honorable Commissioners:

Attached is a copy of a letter written to each of you on October 10, 2004 requesting a variance to the moratorium on new water customer hookups in effect for Brooke Utilities, Inc., dba Payson Water Co. Inc.-Geronimo System serving the community of Geronimo Estates, which is part of the Whispering Pines Fire District.

In the letter, we requested the Commission to allow a meter to be installed to supply a "regular" hose bib at our newly constructed \$109,000 fire station where we house two tender/pumper trucks and one rescue truck for the protection of Geronimo Estates, Elusive Acres, and the 1,000 person Camp Geronimo Boy Scout Camp. The attached letter outlines all the reasons for our requests, mainly centered around our need to be able to hose off steps of fire trucks (to avoid "slip" injuries) and to be able to wash hazardous chemicals and blood off our professional firefighters after they make fire and emergency medical calls. We are not requesting water to fight fires or to refill tender trucks, just seeking to protect our staff and equipment that frequently responds in snow, mud, and serious medical situations.

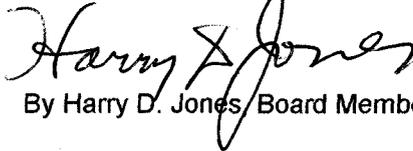
After making written requests to both you and Brooke Utilities, we do not understand why we have failed to receive a direct reply from any of you or your Staff or operating divisions related to this serious situation even though during the last year you have had two docketed cases related to this same 24-year old moratorium situation, namely Docket No. W-01993A-04-0428 that resulted in Decision 67747 which allowed a new residential meter, and Docket No. W-03514A-05-0352 that has a hearing scheduled for October 18-19 of this year. Because both of these cases were documented by Staff as being instituted through letter to the Commission, we as letter writers also deserve to be directly heard on the issues. Under the pending case of Steven P. Prahin (#0352), he directly brought to your attention the lack of water availability at the "fire hall", yet we have not been officially notified by you or your Staff related to this matter.

Thus, since we have received no formal replies from you, we respectfully request you include our concerns under an "intervener" status on Docket No. W-03514A-05-0352, or on any other basis that grants us "standing" on this issue.

Please reply to me within five days at the above address or by phone (928 595-1111) to let our Board of Directors know that this issue will be heard immediately. Thanks for your concern for the residents and many visitors to our fire district.

Cordially,

For the Whispering Pines Fire District Board of Directors



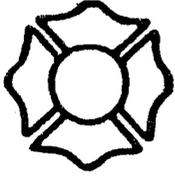
By Harry D. Jones, Board Member

Cc: Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Dwight D. Nodes
Assistant Chief Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Steven Olea
Assistant Director
Arizona Corporation Commission
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Marlin Scott, Jr.
Utilities Engineer
Arizona Corporation Commission
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007



WHISPERING PINES FIRE DISTRICT

HC8 Box 701A • Payson, Arizona 85541 • Telephone (928) 474-3088 • Fax (928) 472-3392

October 10, 2004

Chairman Marc Spitzer
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner William A. Mundell
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Kristin K. Mayes
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Mike Gleason
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Commissioner Jeff Hatch-Miller
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

RE: Brooke Utilities, Inc.'s Denial of Water Meter to New Fire Station

Honorable Commissioners:

Your recent increased attention to rural Arizona water issues and particularly to the issues with Brook Utilities, Inc. in nearby Pine is appreciated.

Whispering Pines Fire District, located 12 mile north of Payson, covers the communities of Whispering Pines, Rim Trial, Geronimo Estates, and the Camp Geronimo Boy Scout facility, each surrounded by the Tonto National Forest. We members of the Board of Directors of the District are obligated to provide facilities, equipment, and staff to directly serve approximately 644 sub-divided parcels, 385 homes, 12 miles of Forest roadways, 162 full time residents, and up to 800-1000 Boy Scouts 8-9 weeks per year. In addition, when we are not committed elsewhere, we generally provide structural fire, wild land fire, EMT, paramedic, and mutual aid services to Bonita Creek, Verde Glen, Cowan Ranch, Beaver Valley and other neighboring communities outside the District.

Our fire department has grown significantly the last three years in terms of equipment, facilities, and service. Within a month, we will complete our first substation, a new building in Geronimo Estates, which will allow us to house two apparatus in that community (near the Scout Camp) which is five miles from our main station. Response time to that area will be dramatically reduced.

Our concern, and reason for seeking your assistance involves the attached letter from Brooke Utilities, which confirms their denial of a water meter at the new

building, as requested in our Chief's letter also attached. The new building is a simple truck barn, with no restroom and no kitchen, but it is a facility that needs water to minimally wash mud off the steps of fire trucks and to hose off a fireman or EMT staff member that may have come in contact with hazardous materials or blood during the performance of their life saving efforts.

We at the fire District have been fully aware of the 23-year moratorium on water meters in the Geronimo community, which has only 68 meters to serve over 250 lots. At our main fire station in Whispering Pines (also served by Brooke Utilities' Payson Water Co. subsidiary), we have suffered all this summer with Stage 4 conservation measures. We have been out of water on numerous occasions and low on pressure much of the summer. At the new Geronimo sub-station, we have not requested a meter to run a social hall or a full time fire station, nor to have water to fight fires. We only asked for a meter for simple cleanup and safety procedures. We understand some residents or lot owners with a pending meter request for 23 years might be upset with a meter allocated to a hose bib at the fire station. However, most residents would support this minimal level of water availability for their fire/medical services.

With about 25% of our citizens living in Geronimo Estates, we are aware of some residences on two or more lots with a meter on each lot, with the homeowner willing to have one unused meter removed and re-allocated to the fire department. We are also aware that over the last twenty or so years, numerous residents (about 13-one in the last month) have successfully drilled their own wells and obtained enough water for their own homes. We are not aware of any efforts on the part of Brooke Utilities to explore for more water so that the 23-year meter moratorium could be lifted. We realize the Commission had been asked to provide "guidance" to Brooke's Pine water Co. related to new water, and that the ACC could not do this, but wisely required them to participate in regional water development efforts. Any required effort for developing new water resources should be extended to include the Geronimo and Whispering Pines communities.

We do not understand why some divisions of Brooke Utilities are required by the Commission to haul water when local resources are inadequately developed (Pine Water Co.) or why other divisions of Brooke (Payson Water Co.) have hauled water voluntarily (such as at Whispering Pines which was short of water many times this summer), while at the same time they are allowed to "just not serve" Geronimo Estates to the degree no one can have a new meter for 23 years and the fire department is not even allowed to have a meter for a simple hose bib. Your CC&N requires reasonable efforts to serve the certificated areas granted.

Therefore, we respectfully request that the Commission do the following:

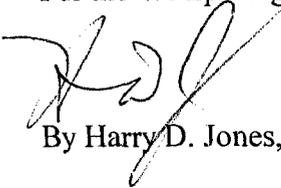
- Require Brooke to immediately allocate a water meter to the new Geronimo fire station.
- Require Brooke to immediately haul water to Geronimo when other resources are inadequate.

- Lift the complete moratorium on meters in Geronimo Estates and allow a gradual increase in meters as new water resources are reasonably developed, and specify that if additional water resources are not quickly developed, Brooke should be required to meet such demands by hauling water at their own costs.
- Require Brooke to immediately fund reasonable water exploration and storage efforts so that the Geronimo community can grow to a point that the tax base in that community can further support the needed fire and emergency service efforts provided by our District.
- Require Brooke, during a severe fire incident, to allow our fire staff emergency access to up to 25% of the potable water stored in Geronimo Estates (to allow time for our other tender trucks to arrive from the main station). To date they have refused to allow a tap on their tank up the Elusive Hills road (which road is too steep to handle our water tender trucks) or to allow a drop line with a secure hydrant at the bottom of the road.

Please let us know how we can resolve this service issue without making a formal challenge to their Certificate of Convenience and Necessity. If you have questions or need more information from us, please contact our Board Member Harry Jones at the above address or by calling (928) 595-1111.

Cordially,

For the Whispering Pines Fire District Board of Directors



By Harry D. Jones, Board Member

CC: Robert Hardcastle
Mistie Jared
Brooke Utilities, Inc.
P.O. Box 82218
Bakersfield, CA 93380-2218

Brooke Utilities, Inc.

P. O. Box 82218 • Bakersfield, California 93380-2218
Customer Call Center • P.O. Box 9006 • San Dinias, California 91773-9016 • (800) 270-6084

September 29, 2004

Whispering Pines Fire District
Mark Essary, Fire Chief
HC8 Box 701A
Payson, AZ 85541

Re: September 8, 2004 Request for Water Service

Dear Mr. Essary,

Payson Water Co., Inc. ("Payson Water") is in receipt of your September 8, 2004 correspondence which requests water service to Parcel 302-14-168 in the Geronimo Estates subdivision. We sympathize with the Whispering Pines Fire District's ("WFPD") need and appreciate the service WFPD provides to the community.

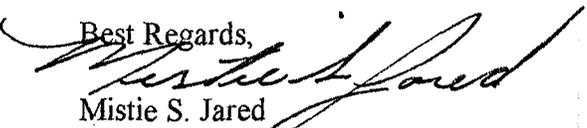
Unfortunately, Payson Water does not have the ability to unilaterally grant variances from Arizona Corporation Commission ("ACC") Decisions. As you may be aware, ACC Decision No. 52454, issued August 17, 1981, specifically prohibits additional service connections in the Geronimo Estates subdivision, regardless of the intended use of that connection.

In that regard, Payson Water does not have the option to accept or decline your request for service. A variance must be granted to WFPD exclusively by the ACC. You may reach the consumer service division of the ACC at 800-222-7000. I believe they may provide further assistance to you if you wish to apply for a variance to the Decision. Absence such regulatory approval, Payson Water can not accommodate your request.

Please also be advised, Payson Water does not have the responsibility to provide facilities capable of providing fire flow. Payson Water can not guarantee uninterrupted water service nor does Payson Water represent the availability of adequate pressure or volume for fire flow by offering domestic water service to any of its existing service locations.

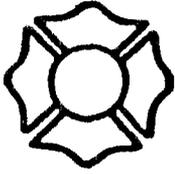
If you have additional questions, you may contact me 661-633-7546.

Best Regards,



Mistie S. Jared
Operations Manager

CC: RTH, MB, ACC



WHISPERING PINES FIRE DISTRICT

HC8 Box 701A • Payson, Arizona 85541 • Telephone (928) 474-3088 • Fax (928) 472-3392

September 8, 2004

Customer Service Center
P.O. Box 9016
San Dimas, CA 91773

To Whom It May Concern:

The Whispering Pines Fire District is constructing a sub-station in the Geronimo Estates community and is hereby requesting a water meter installation at this location.

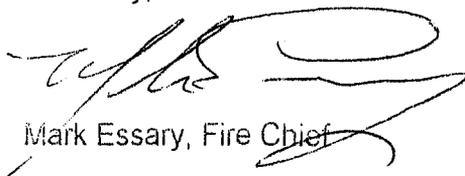
The sub-station construction site is on Lot# 52 on Paint Pony Drive, Parcel # 302-14-168 in Geronimo Estates, north of Payson, Arizona. A telephone conversation today with Frances in your Customer Service Center indicated there is currently a moratorium on water meters in this community.

The main purpose of the Whispering Pines Fire District is to provide EMS service and fire protection to the residents, their guests, and the public in general within the boundaries of this District. Secondly, our District serves as a backup in case of fire or other catastrophe occurring within the Tonto National Forest that surrounds the Geronimo Estates area. The severe drought conditions the past several years, combined with the densely forested landscape in the region, present an imminent wildfire threat to the Geronimo community and the area in general. The lack of water at the fire sub-station only compounds the danger to the residents, their homes and the lives of the volunteer firefighters. Without water, there will be no way for these volunteers to clean their protective gear, their tools, or their equipment, let alone provide any type of firefighting capability.

Furthermore, a lack of water at the Geronimo sub-station complicates the life-saving efforts of the highly trained and skilled emergency medical personnel who provide services to the ill or injured in this community. At times these EMS workers are exposed to fluids or chemicals that may be unclean or pose a bodily danger, but they will be unable to even wash their hands if there is no water at the sub-station. These emergency medical personnel face numerous hazards in the course of their efforts without having to also deal with a lack of water.

We are, therefore, requesting that you grant our request for a water meter installation for the Whispering Pines Fire District Sub-Station in Geronimo Estates. The health and well-being, the safety, and the very lives of those in the Geronimo Estates community may well rest upon your decision. We will await your written reply.

Sincerely,



Mark Essary, Fire Chief