

**INTERVENTION
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AZ CORP COMMISSION
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2005 NOV 21 10:00 AM

November 16, 2005

Jeff Hatch-Miller, Chairman
Kristin K. Mayes, Commissioner
Marc Spitzer, Commissioner
William Mundell, Commissioner
Mike Gleason, Commissioner

Cc: Dwight Nodes, Admin. Law Judge
Steve Olea, Assistant Director, Utilities
Marlin Scott, Jr., Utilities Staff Engineer
Docket Control Staff
Bradley Morton, Consumer Analyst

Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

RE: Payson Water Company-Geronimo System: (1) new Requested Docket for Variance to Decision No. 67747 issued under Docket No. W-03514A-05-0352, (2) Formal Complaint to Consumer Services Division, and (3) Comment to Variance Request by Whispering Pines Fire District under Docket No. W-03514A-05-0729

Honorable Commissioners:

During the October 18, 2005 meeting of the Commissioners, a letter from me was presented by Steve Prahin (under Docket No. W-03514-05-0352) requesting a variance from Order 67747 to allow a meter to be installed on my Lot 8 in Elusive Acres, an area served by Brooke Utilities Payson Water Company division. No action on my request was taken during that meeting other than to enter the complaint and request into the record. Thus, I must take immediate action to move this process with Payson Water and the ACC forward.

I understand that during that meeting and under Judge Nodes' procedural order related to the matter he stated that "Commissioners also suggested that other customer service requests would be considered in the context of a new docket to be opened to consider the WPFV variance request". Since the Whispering Pines Fire Department has opened the above Docket, I want my prior request and this new request to be handled in that Docket. If not, a new docket in my case will already be in process under the request indicated in the above reference. Time is of the essence in this unfair situation for me. I believe other neighbors are also opening new dockets, filing new complaints, and asking that their situation be handled under the existing fire department Docket No. W-03514A-05-0729.

Therefore, I am again seeking your assistance with this severe and unjustified lack of service by Brooke Utilities, Payson Water Company Division, that has existed for more than the 24 years of your existing moratorium. Thus, in addition to the Staff report due to you by November 21st on the WPF^D docket, please consider the following comments, customer service complaints, and issues related to lack of "adequate" service by Payson Water Co. to also be my formal request for a variance to Decision 68232: 677473

- I purchased Lot 8 in the Elusive Acres section of the Geronimo system, Gila County, parcel no. 302-13-028 on June 11, 2002.
- I submitted my plans to be approved prior to purchasing this lot, through the realtor, to the original developer Mr. Mark Boroski. The realtor signed and dated the approval for Mr. Boroski. The previous lot owner and the realtor both stated there was a domestic water source to the property, designated as a private water company, and the well was currently operating. Also, in the Sellers Property Disclosure Statement, it indicated that water, power, and telephone were at the property line.
- With this information, I purchased a log home package from Pennsylvania and had it trucked to Arizona. While the log package was in route, I called Brooke Utilities to start water service. I was denied a water meter by Brooke because of a supposed moratorium on water meters that had never before been applied to Elusive Acres, that was being supplied water by a very adequate well. I subsequently found that Gila County wouldn't approve a building permit without a water source. The palletized log package has been in a construction yard in Payson since June 1, 2005. The trusses are guaranteed for six months, which expires December 1, 2005.
- At this time my costs are well over \$60,000. I have a bare lot and can't build. I have a deteriorating wood package that just sits, month after month. At the time you made the exception for a new meter for Doctor Rose in April of this year, all Elusive Acre meters were installed when requested after payment of normal fees. The Prudential Arrowhead realtors, the developer, nor the previous lot owner knew about the new moratorium (no way for them to know unless they had attended all your hearings).

Thus, I ask you to review my situation and approve a water meter for my lot. Also, I ask you to consider a notification process, for future buyers, realtors, and title companies, when moratorium rules are changed for any entity under your jurisdiction. I just don't understand how a lot in a recognized subdivision by the state of Arizona, can be sold without water.

Thank you for your time in this matter.

Respectfully,

