

INTERVENTION



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

December 1, 2005

RE: MOTION TO INTERVENE in the Variance to Order (Docket No W-035 14A-04-⁵0729) request of Whispering Pine Fire District related to the water meter moratorium Decision No. 677347 issued under Docket No. W-03514A-05-0352 for the Brooke Utilities, Inc. Payson Water Co. Division-Geronimo System.

Honorable Commissioners and Staff:

I am a Property Owner within the Geronimo Estates subdivision, in northern Gila County and a customer of Payson Water Co. I have noted a letter from Mr. Joe Brown, with bar code 0000035268, dated November 17, 2005 under a "Geronimo Properties Homeowners Association" letterhead. In this letter, Mr. Brown stated that "as President of our group, I am authorized to participate in various matters of concern to our community."

There is no homeowners' association as defined by Arizona Revised Statutes. The group referenced is an informal voluntary club open to anyone who resides in the area adjacent to the Geronimo Estates subdivision. Some residents participate; some do not. The club has no bylaws and is not incorporated or otherwise organized as a legally recognized entity. Therefore, it is impossible for Mr. Brown to be authorized to represent the community. Mr. Brown should only be recognized as an individual property owner in the area who is interested in the proceedings, but who is not a customer of Payson Water Co..

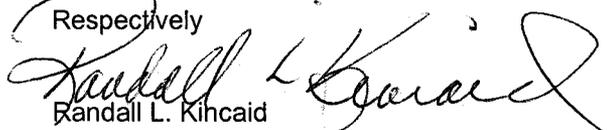
Mr. Brown also states "therefore, in behalf of the property and homeowners and under their instruction." Under the facts stated, it is inappropriate for Mr. Brown or anyone to represent themselves in behalf of the property and homeowners. Even in the matter of the residents' club, the subject of the water system has never been put on an agenda for discussion or vote, therefore Mr. Brown is not "under their instruction."

A request to Mr. Brown for bylaws and appropriate documented substantiation of a homeowners' association will support my assertions.

As a Geronimo Estates subdivision property owner and customer of Payson Water Co., I wish to intervene in the case of the Variance of the Order for a water meter filed by the Whispering Pines Fire District under the Docket indicated above.

I hereby certify that a copy of this Notice of Intervention has been mailed to Robert Hardcastle, Brooke Utilities, Payson Water Co. Division, P. O. Box 82218, Bakersfield, CA 93380-2218.

Respectively


Randall L. Kincaid

AZ CORP COMMISSION
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