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Arizona Corporation Commission

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6 **BEFORE THE ARIZONA CORPORATION COMMISSION**

7 **CARL J. KUNASEK**
8 **CHAIRMAN**
9 **JAMES M. IRVIN**
10 **COMMISSIONER**
11 **WILLIAM A. MUNDELL**
12 **COMMISSIONER**

13 IN THE MATTER OF THE JOINT)
14 APPLICATION OF SUN CITY WATER)
15 COMPANY AND SUN CITY WEST)
16 UTILITIES COMPANY FOR)
17 APPROVAL OF CENTRAL ARIZONA)
18 PROJECT WATER UTILIZATION)
19 PLAN AND FOR AN ACCOUNTING)
20 ORDER AUTHORIZING A)
21 GROUNDWATER SAVINGS FEE AND)
22 RECOVER OF DEFERRED CENTRAL)
23 ARIZONA PROJECT EXPENSES.)

DOCKET NOS. W-01656A-98-0577
SW-02334A-98-0577

**CAP TASK FORCE RESPONSE
TO COMMENTS BY STAFF, RUCO
AND SUN CITY TAXPAYERS
ASSOCIATION**

24 The CAP Task Force submits the following response to comments filed by
25 Commission Staff, the Sun City Taxpayers Association (SCTA) and RUCO filed in this
26 docket. The CAP Task Force responds to comments on Citizens' Preliminary
27 Engineering Report filed by Staff, SCTA and RUCO on November 1, 2000; and,
28 comments on the Citizens' Binding Agreements with the golf courses filed by Staff
29 and the SCTA on November 15, 2000.

30 The CAP Task Force is a community based organization charged with the
31 responsibility of determining how best to use CAP water in the Sun Cities to benefit
32 the public interest. The CAP Task Force consists of two members each from the
33 Recreation Centers of Sun City, the Sun City Condominium Owner's Association, the

1 Sun City Homeowners Association, the Sun City Taxpayers Association, the Property
2 owners and Residents Association, the Recreation Centers of Sun City West and
3 Citizens. Youngtown has one member, and four at-large members from the general
4 public to complete the group. The CAP Task Force objectively analyzed CAP issues
5 and feels strongly that Citizens' plan should be approved. The CAP Task Force
6 approves of and joins in Citizens' response to the comments filed by the SCTA,
7 RUCO and Staff, and also offers the following additional comments:

8 First, the CAP Task Force fully supports Citizens' CAP water plan and opposes
9 any notion of the Commission reconsidering and reopening the issues already
10 resolved under Decision Nos. 60172 and 62293 regarding benefits to the public
11 interest of using CAP water in the Sun Cities and whether any CAP water usage plan
12 should be implemented at all. The CAP Task Force believes those issues already
13 have been decided by the Commission in Decision Nos. 60172 and 62293 and urges
14 the Commission to disregard efforts by the SCTA and RUCO to reopen those
15 proceedings.

16 Second, the CAP Task force firmly believes Citizens' CAP water plan is the
17 best and most cost effective method for utilizing CAP water in the Sun Cities. The
18 plan will serve the public interest, prevent excessive groundwater pumping and avoid
19 permanent damage to the area's water resources. As such, the CAP Task Force
20 respectfully requests that the Commission approve Citizens' CAP water plan and
21 issue an order allowing Citizens to implement the plan as soon as possible.

22 Third, the CAP Task Force has contacted both the legal counsel (William G.
23 Beyer) and the Presidents (Robert Briscoe and Richard Catlin) for both the
24 Recreation Centers of Sun City and the Recreation Centers of Sun City West
25 regarding the allegations made by the SCTA that the Exchange Agreements executed
26 by those two entities with Citizens were somehow legally incorrect. Based on their
27 input and our own analysis, we believe that both organizations were fully empowered

1 to enter into those contracts, that they did so based on a process involving review by
2 their membership in public meetings, and that the exchange agreements are legally
3 binding and fully enforceable.

4 DATED this 15th day of December, 2000.

5 **BEYER, McMAHON & LaRUE**

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7 
8 William G. Beyer, Esq.

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10 **AN ORIGINAL AND TEN COPIES**
11 of the foregoing filed this
12 18th day of December, 2000
13 with:

14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington
17 Phoenix, Arizona 85007

18 **COPIES** of the foregoing mailed
19 this 18th day of December, 2000
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