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February 6, 2003

AZ CORP COMMISSION
DOCUMENT CONTROLVIA FAX TO 602-266-8290

Mr. William Sullivan
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 Phoenix, AZ 85006

Arizona Corporation Commission
DOCKETED

FEB 06 2003

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CAR

Re: W-01656A-98-0577 and SW-02334A-98-0577

Dear Mr. Sullivan:

Yesterday, you phoned my advisor to let her know that you were sending a letter asking me to reconsider my decision to vote on the above-referenced matter. When she asked you why you did not file a motion on this matter, it is my understanding that you said you knew you could file a motion but chose not to do so. Chris Kempely, the Commission's Chief Counsel, told me that he also had a nearly identical phone conversation with you earlier that afternoon.

Although I am new to my position, I am told that you and your firm are well-seasoned attorneys who regularly appear before the Commission. I assume you were aware of the option of filing a formal motion for recusal under the Commission's January 30 Procedural Order and elected not to do so. Furthermore, your letter makes a request of me, and not of the Commission as a whole, to consider this matter. The purpose of this letter is to confirm that you do not wish the Commission to treat your letter as a motion.

Your request that I list every single conversation with every single person with whom I have spoken on this issue begs clarification. First, you fail to cite authority compelling discovery from an elected representative of the State of Arizona. Second, such a request is overly broad in scope. I am a resident of Sun City West and the former Chairman of the House Agriculture Committee. From my career in the private sector and my years as a state legislator, I have developed an expertise in water issues. Furthermore, I – like many residents in the area – have known about this issue for several years. The request that I could recount every time I engaged in a conversation about a water issue is unrealistic and unreasonable. Your request is tantamount to a fishing expedition.

Counsel for the Commission has advised me that a determination whether I have prejudged an issue is not determined by how many times I talked about it, but whether I have irrevocably closed my mind to the matter. Withrow v. Larkin, 421 U.S. 35, 47 (1975). "A previously stated position about law or policy is not a basis for disqualification." Enron Corporation v. Arizona Corporation Commission, 1 CA-CC 99-0005 (2000). Finally, you ask me to relay events that

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occurred prior to being elected to the Commission and even before I filed to run for the office. My advisor directed you to a recent Supreme Court ruling that a prohibition for candidates for judicial election from announcing their views on disputed legal or political issues violates the First Amendment. Republican Party of Minnesota v. White, 122 S. Ct. 2528, 2534 (2001).

Your allegation that I have prejudged this case is taken seriously. A decision maker who has closed his mind to evidence presented in a matter has effectively created a barrier to justice. Such a person is obligated to recuse himself. I find this policy at the very cornerstone of my ethical deliberations. For that reason, I asked that the matter be pulled from the January Open Meeting agenda so that I could have time to reflect on my past actions and statements. Upon considerable reflection and legal counsel, I conclude that my recusal is not compelled. To the contrary, my obligation under the state constitution compels me to make an informed vote on the matter.

Sincerely,



Mike Gleason
Commissioner

Enclosure

c: Docket Control (w/o Enclosure)