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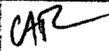
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February 5, 2003

Commissioner Mike Gleason
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

FEB 05 2003

DOCKETED BY 

Re: **Arizona-American CAP Utilization Application**
Docket Nos. W-01656A-98-0577 and SW-02334A-98-0577

Dear Commissioner Gleason:

Our offices are retained by Sun City Taxpayers Association (the "Association"). We have been instructed by our client to applaud the integrity of your January 9, 2003 decision to evaluate whether your actions and statements made prior to taking office with regard to the above-referenced matter may have unduly prejudiced your thoughts and ability to place all parties in this case on a level playing field. The Association also directed us to express its recognition and respect for the positions taken on this matter in your role as a legislator and resident of Sun City West, but to also express its disappointment and disagreement with your January 30, 2003 decision not to recuse yourself from participating in this matter.

While recognizing you were not required to do so, the Association was hopeful that you would apply Cannon 3(E) of the Code of Judicial Conduct in evaluating whether to recuse yourself, rather than the legal standard of an irrevocably closed mind. Cannon 3(E) provides, in part, "A judge shall disqualify himself in a proceeding in which the judges' impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has...personal knowledge of disputed evidentiary facts concerning the proceeding."

The commentary to Cannon 3(E) provides, in part:

"Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3(E) apply...A judge should disclose on the record information the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification."

Commissioner Mike Gleason

February 5, 2003

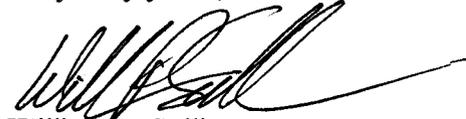
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The Association recognizes that there is a "presumption of honesty and integrity of those serving as adjudicators." *Havasu Heights Ranch and Development Corporation v. Desert Valley Wood Products, Inc.*, 167 Ariz. 383, 807 P.2d 1119 (1990). The Association is proceeding based upon this presumption and the assurances contained in your January 30, 2003 letter that you will "adequately and fairly assess this matter and decide it based on the record that has been developed in the proceeding."

While the Association has not always agreed with decisions of the Commission in this matter, it has always felt that the Commission provided a fair hearing before a fair tribunal. In keeping with that tradition, the Association believes that your recusal would avoid any appearance of predetermination of the merits occasioned by activity taken, prior to your election as a Commissioner, supporting and advocating the adoption of the matter, which the Commission must now decide. Therefore, the Association respectfully requests you reconsider your decision to participate in this matter and further requests that you disclose, on the record, all information the parties might consider relevant to the question of disqualification, even through you have determined there is no real basis for disqualification or recusal. Such information would include occurrences over the past year or two of contacts with representatives of Arizona-American or its predecessors-in-interest regarding this matter and with others where your actions furthered or actively advocated the groundwater savings project as the appropriate method of putting to use the Arizona-American's Central Arizona Project allocation for Sun City and Sun City West.

Your reconsideration of these issues is deeply appreciated by the Association.

Very truly yours,



William P. Sullivan

Attorneys for

Sun City Taxpayers Association

WPS/tsg

cc: Docket Control (duplicate original plus 15 copies)

Chairman Marc Spitzer

Commissioner Jim Irvin

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