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THIS AMENDMENT:		
Passed as amended by _____		
_____ Failed	_____ Not Offered	_____ Withdrawn

MUNDELL PROPOSED AMENDMENT #5

TIME/DATE PREPARED: Monday, February 10, 2003

COMPANY: Sun City Water Company, et. al.

AGENDA ITEM NO. U-1

DOCKET NO. W-01656A-98-0577, et al

OPEN MEETING DATE: February 12, 2003

PAGE 23, LINE 27, INSERT the following paragraph:

"We are aware that the SCTA has appealed the Maricopa County Superior Court's decision dismissing the SCTA's complaint challenging the Water Exchange Agreement between Sun City Water Company and the Recreation Centers of Sun City. *Sun City Taxpayers Association, Inc., et el.v. Sun City Water Company, Inc., et al.*, Case No. CV 2001-006415 (Minute Entry November 19, 2001); Motion for Reconsideration Denied (Minute Entry January 9, 2002); Judgment Entered Dismissing Complaint and Awarding Attorneys Fees to Defendants (April 9, 2002). The parties have recently filed legal briefs with the Arizona Court of Appeals (Division One) regarding the SCTA's appeal of this matter (Case No. 1 CACV 02-0575). Because of the ongoing nature of the SCTA appeal process, we believe it is appropriate to make clear that in the event the Court of Appeals or the Arizona Supreme Court overturns the Superior Court's decision, this matter shall be reviewed to determine whether additional Commission proceedings are warranted.

PAGE 26, LINE 3, INSERT:

"IT IS FURTHER ORDERED that, in the event the Court of Appeals or the Arizona Supreme Court overturns the Maricopa County Superior Court's decision in *Sun City Taxpayers Association, Inc., et el.v. Sun City Water Company, Inc., et al.*, Case No. CV 2001-006415, this matter shall be reviewed to determine whether additional Commission proceedings are warranted.

AZ CORP COMMISSION
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