

ORIGINAL
OPEN MEETING AGENDA ITEM



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

Regarding Docket # W-03514A-05-0729

Honorable Judge Nodes and Commission Staff:

I would like to first commend the Staff for their resolution to move towards rectifying the moratorium situation that has shadowed the communities of Geronimo Estates and Elusive Acres for too long.

I believe Option D, as selected by Judge Nodes, is a reasonable resolution except for the following:

1. It doesn't allow for any future meters. Would it not be reasonable to allow one additional meter per month as long as the monthly water use and resource production data shows the capability to do so?
2. There is no mention of a water main installation to serve Unit 2 of Geronimo Estates, which currently has no water main in place to serve any lots in that area.
3. There is no mention of increased storage to fully utilize the water resources currently available.
4. In regards to an existing list of parties waiting for meters, after a conversation with Payson Water Co. offices, my request for water service on 5-9-05 was never noted or recorded, but was simply denied because of an existing moratorium that had recently been applied to Elusive Acres. I was just referred to the ACC at that time. In addition, no formal list was instituted on 4-24-06 (yesterday) when I had a conversation with Francis of Brooke Utilities/Payson Water Co., who was the person I was referred to as being in charge of new customer accounts. Since no meter waiting lists exists, I made it perfectly clear to Francis that I was requesting water service for my property, and I asked she document it, to which she replied that she would send the request on to her corporate office.
5. In regard to the requirements for obtaining a building permit within 90 days in order to keep a meter, I need to point out that a buyer in the Geronimo Estates portion of the service area may not ever need a building permit since the property owners in that area have the freedom to acquire a lot and place a travel trailer or RV on the site and permanently live on the property without ever building a

structure. Since no permit is needed, is it reasonable to require that they have a building permit in order to hook up their seasonal travel trailer or RV in order to obtain water service? I think not!

6. On the other hand, I bought property in the Elusive Acres section that only allows site built homes, thus I do not have the luxury of placing an RV on my property for a period for longer than two years during which actual construction must be progressing. Thus, the policy related to building permits needs to be clarified so that the policy of meter access does not become a policy of land use, rather than simply one of water availability.
7. To make sure you are aware of complexities related to use of building permits to control access to meters, the fact is that there are currently meters on lots with no structures, wondering if those meters are to be pulled if they have not been active over the months or years?

I don't envy the difficult task ahead of you, since making a decision that impacts so many in terms of property values and property use will undoubtedly be controversial. Hopefully, it can stay a water issue and not a land-use issue.

Last, but not least in importance, is a conversation I had with Mr. Hardcastle in the parking lot immediately after the February 8 hearing held by Judge Nodes. Since I consider Mr. Hardcastle an authority on the water system in question, I was pleased with his answer to the question I asked him which was "how many meters would you be willing to set and not place the rest of the system at risk?" to which he answered "50", with the current wells being used. This makes me believe excess water capacity is currently available, hopefully allowing for additional meters above the eight being recommended at this time.

Respectfully,



Stephen P. Prahin