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Forty-Niners Country Club Estates Homeowners Association  
8987 E. Tanque Verde Road # 309-169  
Tucson, Az. 85749 9399

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October 22, 2002

AZ CORP COMMISSION  
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Arizona Corporation Commission  
Attn: Ms. Nancy Cole, Supervisor  
Docket Control  
1200 West Washington  
Phoenix, Arizona 85997

Arizona Corporation Commission  
DOCKETED

OCT 28 2002

RE: Forty Niner Water Company  
Emergency Rate Increase Hearing  
Docket No: W-01777A-02-0547

DOCKETED BY	CAR
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Dear Ms. Cole,

The Forty-Niners Country Club Homeowners Association (HOA) was granted Intervenor status as requested by our letter of August 27, 2002. The purpose of this letter is to advise you that Mr. Rodney Tizzard, a member of our Board of Directors, will represent our HOA on this matter at the upcoming Hearing by the Commissioners.

Though we concur with the applicant's request for a surcharge of \$ .41 per thousand gallons of water provided it applies to all customers, including the Forty Niner Golf Course, we do not agree with the ACC Staff's recommendation that the applicant be required to post a bond equivalent to their anticipated loss, estimated to be in excess of \$100,000 and that they be allowed to collect the cost of the bond from their customers. We do not understand who would benefit from such a bond or why the cost of the bond would be passed on to the applicants customers.

Unless some benefit to the customers can be explained, we respectively request that the staff's recommendation for the applicant to post such a bond be disapproved.

A copy of this letter is being mailed simultaneously to the Forty Niner Water Company, the applicant.

Thank you for your consideration.

Sincerely,

Jody Elmer, President