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ALFRED BEAUVAIS

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909 463 6656

Arizona Corporation Commission
DOCKETED

FEB 13 2008

PARCEL NUMBER 310-32-100

DOCKET NUMBER E-00345A-07-0663

DOCKETED BY	<i>mm</i>
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DOCKET NUMBER T-01846B-07-0663

To whom it may concern,

I have been a very against this project since its inception. I have questioned APS about why there has been no maintenance on our poles since purchasing my lot in 1989. My concerns about the power lines drooping way past the legal statute have not been resolved. The response given to me has always been "we will put poles in front of your place that may block your view." As we all know, property values are higher if there is a complimentary view. We are being threatened with poles in front if we do not go through with this project. Attached are some of the many one sided documents that were given to most of the Hillcrest bay owners regarding these very threats.

In addition, I asked the board on four occasions why only board members had been allowed to post favored opinions on the home owner's web site and no opposing opinions were allowed to be posted. When finally allowed access to the home owners website, my opposing opinion was given an editorial comment at the bottom. In the following days an **non-home owner** was allowed to post a favored comment criticizing my letter.

Unable to obtain a response from the Assessors office, I began questioning the accuracy of the original votes for underground utilities with Cliff Eddy, our councilman, in March of 2006 with regards to the inaccurate assessor sheets and the total amount of votes that were received. My concern was that the Assessors plot sheet did not match the actual votes. Permission to review items at the Assessors office fell on deaf ears as the attached emails to the Assessors office, board members, and Cliff Eddy will show. There were parcels left out of the voting process and parcels included that should not have been included. Many inaccuracies were addressed in my conversations and emails to Cliff Eddy. Some examples are lot 310-32-274, the parcel assigned to the water company and a parcel used strictly for trash collection that is located on a National Reserve lot. How can these lots equal votes on

underground utilities? I was also very concerned when I called Robin Ellef, Verizon engineer , to find out the status of processed votes and was told D.L Wilson the Regional Manager for APS, was counting the votes. This is a serious conflict of interest for all Hillcrest Bay home owners.

You are correct in your concern when the homeowners were told by board members and outside individuals working for the board members to "just sign the petition it does not mean anything. It is just to get our \$28,000 engineering fee back and you can cancel your vote at any time." Attached is a letter from a another concerned home owner that points out the actual facts that occurred. Homeowners have been flooded with this inaccurate information. We have been approached at our residences, by mail, by phone, and personal face to face contact as well as homeowner meetings. One additional concern at a member meeting was why weren't the voting petitions sent out certified or at least delivery conformation? I was told we don't do it that way. I even volunteered to pay for the postage just to get an accurate and legal count.

Another question posed to the board and D.L.Wilson is why are all of the lot prices so extremely different. Their answer is not backed up by any engineering information just stated that the lots all have different problems. On December 27 I received a notice stating an error was made and a corrected cost sheet reducing my expense down to \$8,179.13. was provided. This did not include the \$4000. I have to pay for a new 200 amp panel that I not only don't want but don't need. Why is my lot, that is identical in square footage to 18 other lots (from lots 310-32-082 to lot 310 32 100), different in cost? For example lot 310-32-100 is \$3000.00 higher than the majority. It appears that I am being charged for the panel that I do not want in my front yard.

In 1989, I was not *handicapped* and able to pay these fees. Not any longer. These fees will become a great hardship to myself and many of the residents who also find themselves on a fixed income. Unfortunately these residents have not responded fearing retribution for their opposing opinions. With the current state of the economy and all the price reductions of homes across the country, this is the worst time to undertake a change that will become a financial burden to the homeowners of Hillcrest Bay with no increase in property value. I object very soundly to the way this was handled and believe this was a corrupted voting process. A new vote should be sent out by a neutral entity along with an accurate review of all parcels in Hillcrest Bay.

Regards

Alfred Beauvais

AL BEAUVAIS

From: "Clifford Edey" <cedey@co.la-paz.az.us>
To: "AL BEAUVAIS" <arkwork@verizon.net>
Cc: "Clifford Edey" <cedey@co.la-paz.az.us>
Sent: Thursday, March 09, 2006 12:14 PM
Subject: Re: hillcrest bay

Al Beauvais

I understand there are many who are concerned about the formation and expense of this district but the Board of Supervisors does not get to take sides. The action that was taken at Mondays meeting was to receive the petitions and start the clock ticking as the state statues require. All signatures will be verified. The next step is the posting along the streets of a notice of hearing. There will be a public hear the first Monday of May to confirm if there is sufficient signatures. If yes then there will be a vote by all the citizens in the proposed district. If there are not enough qualified signatures then the process stops.

There are many steps to safeguard the rights of all and if you would like more detail of all the steps I can get you a copy.
If would like to talk or have further info call or email.

Cliff Edey
928 669-6115

On Mar 8, 2006, at 9:34 PM, AL BEAUVAIS wrote:

MR Edey

I am very concerned that we are moving forward without verifying signatures on the petitions for the under ground project. I thought we had made it very clear that these petitions are to be verified before submission I was left off the ccr revision for signatures that was requested by you folks and it appears that we are going to take a half hazard approach to submitting these applications without signature verification and lot ownership verification which i can assure you is incorrect. I received the notice in today's mail that you were having a meeting yesterday on these items. This seems to be the boards mode of operation(keep them in the dark) I can assure you that if this goes forward on a half hazard basis and the board does not notify the park lot owners of the status of the utilities with an HONEST review I will be filing a cease and desist order. You represent all the members and I demand to see an honest roll count of the signatures and not as the ccr were done.
regards al beauvais

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AL BEAUVAIS

From: "John Sears" <jlsears@cox.net>
To: <arkwork@verizon.net>
Cc: "bob strong" <tantenviro@aol.com>
Sent: Thursday, March 09, 2006 8:20 PM
Subject: Hillcrest Bay

Thank you for your interest in Hillcrest Bay.

The board appreciates your concerns and we encourage you to attend the monthly Homeowners meetings. The petitions for establishing an Underground Utilities District are controlled by State of Arizona statutes. The petitions have been submitted to the county for their verification per state requirements.

As to the CC&R's, every signature was important, each had to be notarized and it took the board two years to collect the required amount, through hard work. Your signature would have been welcomed. Or you could have signed at the yearly general meeting. Please attend the yearly general meeting, they are held for everyone.

Thanks again for your interest.
John sears.....for the board

Subj: request for review
Date: 3/8/2006 8:47:00 PM Pacific Standard time
From: arkwork@verizon.net
To: tantenviro@aol.com

I have requested from MR. Eddy that a lot verification signature verification and count of petitions be accurately done As I assured him if this is not done for correctness and accuracy that I will be filing a cease and desist order until it is done enjoyed the February letter of utility update that came in the mail today and the meeting with the supervisors meetini a day before. When the ccrs were submitted for vote last year my name was not on the owners resubmission list that was given to the county so we are going to proceed as we should folks in a legal and straight forward fashion.

EMAILS on Vote
assessment
inaccuracy

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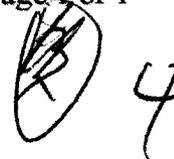
AL BEAUVAIS

From: "AL BEAUVAIS" <arkwork@verizon.net>
To: <tantenviro@aol.com>
Sent: Saturday, March 11, 2006 10:34 AM
Subject: Fw: hi thanks

— Original Message —

From: AL BEAUVAIS
To: edeycliff@netscape.net
Sent: Saturday, March 11, 2006 10:33 AM
Subject: hi thanks

hi cliff thanks for the response but it still appears vague in the areas of actuals I asked for a count of actual petitions versus ratios required I did receive the assessors statement which is very inaccurate. lot #272 is owned by hillcrest bay but counted in footage lot 273 is an easement for contel which was counted. lot 249 is owned by hillcrest bay which was counted (went to school with john he passed away) lot 57 no deed on file this lot doesn't exist. tract b was included which is the water company property. and tract a which doesn't exist. So this is my dilemma we are running ratios against inaccurate recorders info I think this is how folks attempt slime things trough. whets the next step again id like to see the petion signors is this public info or is a subpoena needed. as for the assessors inaccurate info how do we approach that which is a sample portion of errors. thanks al

**AL BEAUVAIS**

From: "AL BEAUVAIS" <arkwork@verizon.net>
To: <gnault@co.la-paz.az.us>
Sent: Saturday, March 11, 2006 11:32 AM
Subject: hello mr nault

hi my name is al beauvais I have been in discussion with councilmen edey on the formation of utility for hillcrest bay owners. I have pointed out to Mr. Edey a large error basis in tabulating the footage of owners of record and the vote ratio. It appears that many items were submitted that were not accurate and used to inflate the footage. Only lots 310-32-001 and 302-32-276 were not used in the footage requirement. The board through its usual neglect left in tract A which is a non usable non accessible piece of land and tract B which is actually the water companies property which should be an easement? also lot #272 is owned by hillcrest bay and was granted form the feds for trash storage only. lot 273 is an easement for contel, lot 57 is non deeded and is not real. also in the late 80 and early 90s there were a lot of subdivisions that were done and should not have been per the ccr,s a good example would be lot 57 58 59 60 all of which were subdivided against the ccr rules and posted improperly to the recorders. I would appreciate your reviewing the petitions for correct signature verification and the review of this inaccurate footage used to get the petitions submitted. also is a subpoena required to review the petitions or is this public info .

**AL BEAUVAIS**

From: "AL BEAUVAIS" <arkwork@verizon.net>
To: <cedey@co.la-paz.az.us>
Sent: Monday, March 20, 2006 5:09 PM
Subject: mr edey

Hi thanks for the documents you sent on the utility declaration. I have not received a reply to our last email nor from the assessor on reviewing the petitions. Also I was under the impression that 50 petitions were submitted from memo dated 2/10/2006. but on review of the board minutes there appears to be 132. az 48-620 states that petitions are publish record What is the best way to view the copies of petition. Also I have not seen a posting of the passage of resolution in the public notice (ars 48-578). I assume you the herald for that purpose. would appreciate your response. regards al beauvais

3/20/2006

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AL BEAUVAIS

From: "Clifford Edey" <cedey@co.la-paz.az.us>
To: "AL BEAUVAIS" <arkwork@verizon.net>
Cc: "Clifford Edey" <cedey@co.la-paz.az.us>
Sent: Tuesday, March 21, 2006 10:00 AM
Subject: Re: mr edey

Al

I thought that your last email would be answered by the assessor. If you contact the BOS (928 669-6115) office and request the petitions they will provide them. I did look at the lots that you were concerned about. I do not know if they should be counted or not so to be safe they were pulled to see what the results would be without them. With all the lots that you were concerned about removed from the signature list, there was still a yes vote of 56%. We have had several people call concerned that their property had been signed for but under all cases those lots did not have a signature. If you have any other concerns please let me know.

Cliff Edey

On Mar 20, 2006, at 6:09 PM, AL BEAUVAIS wrote:

Hi thanks for the documents you sent on the utility declaration. I have not received a reply to our last email nor from the assessor on reviewing the petitions. Also I was under the impression that 50 petitions were submitted from memo dated 2/10/2006. but on review of the board minutes there appears to be 132. az 48-620 states that petitions are publish record What is the best way to view the copies of petition. Also I have not seen a posting of the passage of resolution in the public notice (ars 48-578). I assume you the herald for that purpose. would appreciate your response. regards al beauvais

3/22/2006

Doc 1

From a Concerned Homeowner

Dear Hillcrest Bay Homeowner

This letter is just to let you know a little bit more about what has been happening here at Hillcrest Bay. I am not on the Board of Directors nor do they have anything to do with this letter. I am just a homeowner and I am concerned about a few things that are going on here.

First things first, the underground utilities. First you have to understand that APS is a business, they are in business to make money. And they do not spend money unless they have to. So any repairs they make is on a need to basis. This thing about them bringing in 42 more polls is true, but they will not just go out and buy 42 polls and stick them in here if the underground thing does not get approved. They will replace the polls that are here as needed. And THINK, when was the last time you saw APS or any other electric company replace an in place poll?? They last a long time!! It could be 20 or 30 years down the line before they replace any of these polls. And then they will only replace them one at a time as they become unsafe. The only new polls that will be going up in the near future is on new construction. Another thing, I understand that people have been going around trying to get people to sign this petition and won't take no for an answer. That is harassment, they are not suppose to do that, and I have heard quite a few complaints about it. There is a sign at the entrance that says no soliciting at Hillcrest Bay. That No Soliciting sign was voted in by the membership a long time ago and it has never been voted out. Another thing all those signs that were put up around the hill. Article 10 of our Declaration of Restrictions says

Article 10. With the exception of one "For Rent" or "For Sale" sign (which shall not exceed 18x24 inches in size), no advertising sign, billboard, unsightly objects or nuisances, shall be erected, placed, or permitted to remain on any lot.

Board members have been going around the Hill talking to anyone that will listen to them. One of the things they tell you is "you have to sign this petition even if you are not for the underground utilities you can sign it as a no vote and it won't count" That is a flat out lie, if you have signed that petition you voted for it, no matter what they told you. I have heard a rumor that the Board has enough signatures on the petition to go ahead. There are several things that APS and Verizon have to do now, and then you will get a notice of a public hearing on this. **If you are one of the people that has signed the petition but don't want the underground utilities you must withdraw your signature between the time you get the notice of the hearing and 10 days before the hearing date. This will be your last chance to stop this.** If enough people withdraw their signatures this whole thing will stop. **Remember it has to be withdrawn 10 days before the public hearing.**

Another thing that has been going on for quite some time now, Building Permits, our Declaration of Restrictions says in it where on each lot the 15 foot limit for buildings should start from, but it is kind of fuzzy. There has been a lot of controversy about it. Mostly the Board person and the lot owner have gotten together and have agreed on the start point. But things have gone wrong with doing that also. There is one case that is going on now that is up in the air. This person was given a start point and started building. After he had the slab floor done, the framework done he started putting up the trusses and he was told he was to high and was given another point to start from that was at least 8" lower than the original one. Then a couple of weeks later he was given yet another point that was lower yet. And a person that was not even on the Board of Directors did all this. The Board permit person never did talk to him. How are you suppose to build a house from 3 different start points? I think that is completely unreasonable. If the house is finished the way it is now it will be 3 to 4 inches under the 15 foot limit from the first point he was given. And I will bet if someone