

W-02824A-07-0388



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ORIGINAL

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

4700

Investigator: Trish Meeter

Phone: [REDACTED]

Fax: [REDACTED]

Priority: Respond Within Five Days

Opinion No. 2008 69414

Date: 6/20/2008

Complaint Description: 08A Rate Case Items - Opposed
N/A Not Applicable

Complaint By: First: Frank Last: Clara

Account Name: [REDACTED] Home: (000) 000-0000

Street: [REDACTED] Work:

City: Prescott CBR:

State: AZ Z [REDACTED] is:

Utility Company: ICR Water Users Association

Division: Water

Contact Name: [REDACTED] Contact Phone: [REDACTED]

Nature of Complaint:

6/17 RECEIVED THROUGH CHAIRMAN GLEASON'S OFFICE

DOCKET NO. W-02824A-07-0388

From: LOUISE FRANK CLARA [REDACTED]
Sent: Monday, June 09, 2008 12:28 PM
To: Mayes-WebEmail; Mundell-Web; Hatch-WebEmail; Pierce-Web; Gleason-WebEmail
Cc: fclara1@msn.com
Subject: ICR Water Association

----- Original Message -----
From: Frank Clara

Arizona Corporation Commission
DOCKETED

JUN 24 2008

DOCKETED BY [Signature]

RECEIVED
2008 JUN 24 PM 11:20
AZ CORP COMMISSION
DOCKET CONTROL

ACC commissioners,

I attended Tuesday, June 3rd's evening meeting of the ICR Water Users Association along with many many other members, and have formed an opinion on the situation we have at hand with our ICR Water Users

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

Association (ICRWUA) Board of Directors and the issues with Harvard and Talking Rock Golf Club (TRGC).

The presentation by the Board, was a failed attempt to explain the proposed Letter of Understanding (LOU) and contractual relationships with Harvard and TRGC. It did not address the items of non compliance, of January 2008, nor did it correct the problems. In my view, literally, the presentation was nothing more than a reading aloud of the LOU, that attempts to surrogate the non-compliance issues and a string of written communications that had been sent to our membership. Their entire emphasis centered on a list of "doomsday threats", to the membership and items they had already given us along with defending their support of providing to TRGC "and/or any of its affiliates" a significantly discounted rate for service. Please keep in mind this discounted rate applies to an amount in excess of 171 million gallons of precious groundwater and is contrary to Decision 64360.

I also feel it important to remember the ICRWUA Board continues to defend their position that through their developed contractual relationship, that TRGC in their mind, should NOT be considered a tariffed customer, contrary to Decision 64360. Also, please keep in mind that as a part of the LOU proposal, included in the 171 million plus discounted gallons, they are now proposing that the Talking Rock developer, TRGC "and/or any of its affiliates" be included as eligible for the proposed discounted rate. The amount of water that they are proposing to supply, 40 million plus gallons of groundwater, is in addition to the 130 million plus gallons they are currently using for irrigation of a Private Golf Course, in a private gated community. Personally, I find it outrageous that the ACC, would even consider allowing another contract to be entered into creating yet another non-tariffed arrangement. The ACC must focusing on fixing the numerous problems at hand, and order the ICRWUA Board to follow Decision 64360 to the letter, returning to complete compliance with Decision 64360.

I also found the structure of the meeting a grave concern. It was insulting that a great majority of the meeting was wasted reading aloud something that I have to believe most people were fully capable of reading for themselves. I imagine that most people had done their homework and had read the documents (LOU and string of Board communications) before arriving for the meeting. Many attending expressed distress with the entire situation. I challenge the ICRWUA Board on their process for requesting people to fill out a vague and ambiguous survey without having answered the vast majority of questions that had been submitted to them, "in writing," as they had requested. How does a person fill out any survey before a Q&A session is completed? I can only hope that the ACC Commissioners had a silent representative present.

As for the few questions that were read aloud, out of what appeared to be possibly hundreds that were submitted to the Board, it is my opinion that what answers were given were very poor at best. I have to believe that many of the submitted important questions that deserved to have been answered at the meeting, were quietly brushed aside. I know of a number of questions that I certainly wanted answered in the public forum and felt that if properly answered, would have been helpful for others to understand the issues. It is an interesting fact, that the Board did find time to read aloud one question that related to what was referred to as "a coo attempt" by Dayne Taylor (Intervener) to have the Board removed, and then had Dayne Taylor respond. I felt that was completely uncalled for. Certainly there were far more important questions to have read aloud and be answered than something so foolish. Personally, I am outraged at the lack of attention paid to the questions provided to the ICRWUA Board of Directors.

The ICRWUA Board also indicated that the questions would all be answered by their attorney and the answers would be mailed back to all members. This shall be another extravagant waste of valuable time and

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

membership funds. What kind of company, holds a meeting and just tells you what they intend to do. Answering last minute hand written questions, to only be screened. I thought the American Revolution was over Taxation without Representation. This is not a company, it is a Dictatorship or Harvards Puppets!

Many presented the question, "what are we going to do to stop this mess?" If I recall correctly, Commissioner Mayes has offered, that if we felt it necessary, she would bring herself and her colleagues to Prescott to meet with us in an open forum. Personally, I think without your intervention, this entire mess is simply going to drag on and on. This has to be stopped! I encourage Commissioner Mayes and any or all of you to please intervene in this desperate situation.

Larry Bligh has volunteered to coordinate arrangements for a public meeting place, etc., should Commissioner Mayes and any colleagues want to arrange for a meeting. [REDACTED]

Thank you for all your hard work and time.

Frank Clara
[REDACTED]

Prescott, Arizona 86305
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

6/18

June 17, 2008

Dear Mr. Clara:

Your email regarding the ICR Water Users Association ("ICR") rate case has been received through the offices of the Commissioners. It will be placed on file with the Docket Control Section of the Arizona Corporation Commission ("Commission") and made a part of the record. Your comments will be considered by the Commission before rendering a decision on the ICR rate case.

Companies, organizations and individuals that have formally intervened will have an opportunity to be part of the case and state their position. The administrative law judge will prepare recommendations to the Commissioners based on the weight of the evidence, testimony and any agreements that may have been reached. The Commissioners do not act as interveners but do want to hear from members of the public who would be affected by a decision. An Open Meeting date has not been set for this case, when the Commissioners make a final decision.

ARIZONA CORPORATION COMMISSION
UTILITY COMPLAINT FORM

Staff appreciates your comments and the interest taken on the proposed rate increase. Updates and filings to this proposed increase can be found on our website at www.azcc.gov in eDocket. Information on Public Comment meetings can be found on the same website by clicking on Schedules and using the drop down to reach Open Meetings.

If you should have any questions relating to this issue, please call me toll free at (800) 222-7000.

Sincerely,

Trish Meeter
Public Utilities Consumer Analyst
Utilities Division
Arizona Corporation Commission
End of Comments

Date Completed: 6/20/2008

Opinion No. 2008 - 69414
