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Hillcrest Bay Parcel#510-32-016 7 &310-32-017 0

Arizona Corporation Commission:
Mike Gleason:Chairman
Kristin K. Mayes
William Mendel
Jeff Hatch-Miller
Gary Miller
Judge Hardling

Arizona Corporation Commission

DOCKETED

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2008 DEC - 3 P 2 15
ARIZONA CORPORATION COMMISSION

1200 West Washington
Phoenix, Arizona 85007

RE: Docket #E-01345A-07-0663 &T-01846³A-07-0663

Dear Judge Hardling & Commissioners:

We would like to bring to your attention the five requests that were given to the Hillcrest Bay Homeowners Association to assist with the decision for underground utilities by Arizona Public Service and Verizon..

We and many other owners of Hillcrest Bay believe that the information has been gathered in a bias manner in favor of underground utilities.

Number One: The survey that was sent to the home owners in our opinion should have been simple request of "Yes" or "No" vote either for or against the underground utilities as was requested. Instead the Board(7 in favor-2 opposed) and Mr. John Sears the Chairman of the Underground Utilities, placed a small statement saying "The removal of the overhead wires and telephone poles and relocating the utility system underground)" after the I SUPPORT THE UCSA*, and (Leaving the existing utility system AS IS and allowing 42 additional poles added to the streets of Hillcrest Bay)" after I OPPOSE THE UCSA*. This is our and many others opinion is a scare tactic. The survey is also being conducted by Mr. John Sears and the Board which are bias in favor of the project.

Number Two: The commission requested that ALL cost of the underground utilities be known, and as this letter is being written, that still has not been confirmed. Mr. D. L.

Wilson of APS stated, to Ms. Joy Muzic that the 3 lots proposed to be left out of this project was to try to meet the request of the commission to have an option to lower the cost. Yes, this would lower the cost for those who own those lots but would not alleviate the cost for any one else that owns lots in Hillcrest Bay. Also the board is setting aside monies to pay for the three lots that Hillcrest Bay, Inc. owns, two of which Mr. Wilson stated to Ms. Muzic was \$9,000, and the other was higher. This was NOT voted on by the Hillcrest Bay Homeowners at all. While Mr. Sears has already sent out this survey and it is reported that 175 home owners have already replied to the survey without this important information. (This information, as of this date, CAN NOT be confirmed in writing by the board). We also have a concern regarding the way in which the petitions were obtained for this project. Mrs. Muzic has gone to the LA PAZ county assessor's office and requested a copy of the petitions that were given or verification of ownership. She was given (as she paid for them, not the Association) 50 pages of names that were presented. These petitions were signed, many of them in 2005, for the purpose of the county to find the cost of this project. They DO NOT have on file any other petitions that were given to them for verification. Mr. D. L. Wilson stated that he gave the county the names of the homeowners who were in favor of the project for verification. The county does NOT have a record of that. Ms. Muzic also requested a copy of this petition from Mr. D. L. Wilson of APS. Who informed her that she could go to the AZ. Commission docket and on page 20 find this information. On these names, she found that there is a list of names that had received by registered mail information and on the last page a list of names of the service list. This is NOT THE PETITIONS, as far as we know listed names of those for or against this proposal. Our concern is this-THE COUNTY DID NOT VERIFY SIGNATURES, only that the names were owners and we cannot get a list of the petitions that were signed in favor of this project. This brings to mind the legitimacy of this at all. We are not making an accusation, just wanting to make sure everything is legitimate. Since our name was on the county petition only to find out the cost and was also on the documents presented to the commission. ALSO IN A LETTER WRITTEN BY MR. JOHN SEARS STATED THAT THE 3rd petition was validated by La Paz county. THEY DO NOT HAVE A RECORD OF THESE PETITIONS.

Some of us have sent letters opposing the underground Utilities, but do not feel it was done in time to prevent the way and bias manner this new survey was presented to the Hillcrest community since it was well before other information required was sent to the community. It would be like having an election of electoral candidates, and voting on them without knowing all the issues, and then the issues were sent out after the election.

Number Three: The commission also requested that a plan to help homeowners who may need financial assistance. Mr. Sears states he has a commitment of \$15,000 from different homeowners to assist those in need. To our knowledge, the criteria has not been established nor an unbiased committee to access this whole process. We truly admire those individuals that want to help thy neighbor in this manner. Mr. Sears has also talked to the developer who will be doing the trenching, and the developer

has offered to do this work for free for 5 properties on the money out of pocket to the homeowner. Again, we believe this to be very kind and if this proposal passes, it will be greatly appreciated. STILL AGAIN THERE HAVE NOT BEEN CRITERIA ESTABLISHED FOR THE ASSESSMENT.

The problem with this is: the monthly payment will still be owed, and for many the payment of 200 to 300 dollars will still be owed per month, not including the actual utility costs. Another issue, is at our annual meeting, held September 27th, 2008, it was stated that the board would determine who would actually get the assistance and also who would not. To be unbiased, it is the opinion of many of the home owners that this should be assessed by some other organization not associated with the HOA. It has already been sated that any investor in Hillcrest Bay will be excluded, WHICH MEANS WHAT? DOES THIS INCLUDE SECOND HOME OWNERS OF PROPERTY? If anyone that may need assistance, it may be someone that has invested at Hillcrest Bay in the last year or so and has lost all of their deposit down on the property, due to lost equity, and works in an industry that has fallen and cannot make a living anymore due to today's economic problems.

The final issue for us is that these underground utilities SHOULD BE PUT TO A HALT DUE TO POSSIBLE FINANCIAL BURDENS. Our economy is in a tail spin and our is worse than when the Committee met in July of 2008. Real Estate is off 30-50%, the stock market has reached all time losses (now up to 40% of many retirement funds are gone) . The thought of this beautification is just TOO COSTLY at this time and will cost some their home or investment.

We have been original owners in Hillcrest Bay since its inception in 1970s and we have never seen a board spend as much of our hard earned money than has been spent on trying to get this proposal passed. My husband has served on this board many times, we spent our own money in the early years, just to have electricity on the hill NOT to have the board and Mr. Sears spend it on this proposal.

WE THEREFORE WOULD LIKE YOU TO RECONSIDER ALL OF THE ALTERNATIVES OF THIS PROJECT AND MAKE A RECOMMENDATION OF 'NO' FOR THIS PROPOSAL.

Thank you for your time and consideration in this matter.

Wayne and Zelma Dunham
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