

W-03512A-07-0362



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OPEN MEETING AGENDA ITEM
ARIZONA CORPORATION COMMISS

ORIGINAL

UTILITY COMPLAINT FORM

Investigator: Brad Morton

Phone: [REDACTED]

Fax: [REDACTED]

Priority: Respond Within Five Days

2008 DEC 17 (P) 4:05

Opinion No. 2008 - 74027

Date: 12/17/2008

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

Complaint By: First: Donald L Last: Smith

Account Name: Donald L Smith

Home: [REDACTED] Arizona Corporation Commission

Street: n/a

Work: DOCKETED

City: Pine

CBR: DEC 17 2008

State: AZ Zip: 00000

is:

Utility Company: Pine Water Co., Inc.

DOCKETED BY [Signature]

Division: Portal Creek 1, 2 & 3

Contact Name: Mistie Jared

Contact Phone: (661) 633-7507

Nature of Complaint:

THROUGH CHAIRMAN GLEASON.

Docket No. W-03512A-07-0362

From: DONALD L SMITH [REDACTED]
Sent: Tuesday, December 16, 2008 9:28 PM
To: Mayes-WebEmail
Cc: Mundell-Web; Gleason-WebEmail; Hatch-WebEmail; Pierce-Web; wfhane@cox.net; secretary@pswid.org; tschleizer@hotmail.com; ron@newworldaz.com; hatcreekelectric@qwestoffice.net; rbdickinson@msn.com; harryjoneshdj@msn.com; pineice1@gmail.com
Subject: Today's ACC Meeting

Commissioner Mayes,

I am the surviving elected member of the recalled PSWID Board. I have been serving the communities since 2004. I was recently re-elected by the community members for another 4 year term. I have been in opposition to the K2 well and am in agreement with the condemnation of the Pine and Strawberry Water companies. I appreciate your suggestion today to make Brooke Utilities responsible for their not submitting a completed 2007 report as required by the ACC regulations. I did not speak at today's hearing but agreed with Terry Schleitzer from our PSWID Board that the majority of the commissioners and the ACC, as an entity, have not represented the rural water citizenry by not taking any actions. I salute your courage in doing something.

I for one will continue through the courts of this state to secure the water companies in Pine and Strawberry and administrate them locally. This, of course, will remove us from the ACC jurisdiction which should prove to be a blessing as I review it at this time. I am also a dentist in several rural communities whose citizens are stating in my offices the same concern about the ACC. By the way, all of these communities have Brooke Utilities as one of the water purveyors in their area. I will encourage these patients and citizens to move forward

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in securing their rights to water as we in [redacted] and [redacted] are doing.

For the past 4 years I have served, and am still serving, as the Supplemental Water Committee Chairman. I have contacted with my committee five well owners which can provide for us millions of gallons of water per year. The Milk Ranch Well alone will provide 150-300 gal/min. The Solitude Trails well and storage tank will keep 100,000 gallons of excess water available to the district. The Portals 4 Well and Pine Creek Canyon Water Districts will provide us with approx 30-50 gal/min as their excess or unused water supply. The Pine Creek Water Users association will offer to us 10-15% of their yearly usage. There are 3 other smaller wells which are not a part of the current CCN under Brooke utilities which will sell us their unused resources. Our main emphasis as a Committee will be to enhance storage of these waters for consumer utilization and fire suppression.

I have also contacted [redacted] Napolitano's office, Lori Faethe, and met with her, the ADWR, and (late) Sen Jake Flake to consider a horizontal well in Pine Creek Canyon. We met at the State Capitol in January 2008. All of the parties involved agreed that a directional well from the Coconino County rim into the Gila County Pine Creek Basin is a feasible plan for long term water. Upon board approval, our site in Stradling Canyon, a tributary to Pine Creek, was surveyed and assessed by Directed Drilling Technologies Inc. Their representative came into Pine and viewed the proposed well site from Pine Creek as well as from the Coconino Plateau. We have done our homework. I recognize that new contacts will need to be made with the passing of Senator Flake and the potential change of Governor Napolitano's Staff.

It was stated today by Gary Sherlock, our recalled chairman, that the K2 project would have been completed by this summer according to the agreed upon schedule. This is untrue. The project was delayed twice by the previous board representatives because of difficulties Brooke Utilities was having in completing the hiring of the drilling company and material concerns. We, as a board, received 2 'updated' K2 schedules. After these delays, the present board chose to denounce the K2 agreement and, thereby, freeze the escrow account.

I and my constituents look forward to the day when we will be able to locally control our water resources and not have to rely upon a 'do nothing' commission. I hope that my statements will cause some reflection. The best I can hope for is that if changes are made, other citizens in rural Arizona may benefit from any positive changes that may result.

I again thank Commissioner Mayes for her forthrightness and willingness to do.

Sincerely,

Donald L. Smith DDS
Returning PSWID Board Member
Chairman of the Supplemental Water and Archive Committees

[redacted]
[redacted]
[redacted]

End of Complaint*

Utilities' Response:

Investigator's Comments and Disposition:

From: [Bradley Morton
Sent: [Wednesday, December 17, 2008 11:40 AM

[redacted]
Subject: [Pine Water

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Dr Smith,

I am responding on behalf of Chairman Mike Gleason to your email regarding yesterdays hearing and wish to confirm receipt of it and that it will be docketed in the case. If I can be of further assistance please contact me.

Regards,

Bradley Morton
Public Utilities Consumer Analyst II


End of Comments

Date Completed: 12/17/2008

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