

T-20567A-07-0662



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**ORIGINAL**

ARIZONA CORPORATION COMMISSION

UTILITY COMPLAINT FORM

RECEIVED

47  
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**Investigator:** Carmen Madrid

**Phone:** [REDACTED]

2009 AUG 20 P 4: 05

**Fax:** [REDACTED]

**Priority:** Respond Within Five Days

AZ CORP COMMISSION  
DOCKET CONTROL

**Opinion No. 2009 81326**

**Date:** 8/20/2009

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

**Complaint By:** **First:** Karen **Last:** Smith - Lovejoy

**Account Name:** Carefree Rolling Hills Improvement Association **Home:** [REDACTED]

**Street:** [REDACTED] **Work:** (000) 000-0000

**City:** Carefree **CBR:** [REDACTED]

**State:** AZ **Zip:** [REDACTED] **is:** E-Mail

**Utility Company:** Newpath Networks, LLC

**Division:** Telephone

**Contact Name:** n/a

**Contact Phone:** (000) 000-0000

**Nature of Complaint:**

From: Karen Smith [mailto:[REDACTED]]  
Sent: Thursday, August 20, 2009 8:07 AM  
To: Utilities Div - Mailbox  
Subject: Newpath Networks...Docket T-20567 A-07-0662

Arizona Corporation Commission  
**DOCKETED**

AUG 20 2009

DOCKETED BY [Signature]

To whom it may concern on the Corporation Commission:

On May 1,2009, the Board of Directors of Carefree Rolling Hills submitted a letter of concern to the Town of Carefree regarding the placement of communication towers in our neighborhood. Prior to that letter being sent a petition was circulated to the 116 owners in Carefree Rolling Hills. A strong majority of our ownership signed this petition to demonstrate their opposition to Newpath's plans.

As President of the Carefree Rolling Hills Improvement Association, I want to make certain that the Corporation Commission is aware of how many of our residents oppose these 18 towers. Property values have suffered enough without the additional negative impact these towers will have on values as well as our quality of life. I ask you to please keep the people of Carefree in mind as you make your decisions regarding the plans that Newpath Networks is proposing.

Thank you for your consideration. Please call me directly if I may answer any questions you have.

Karen Smith-Lovejoy, President  
Carefree Rolling Hills Improvement Association

[REDACTED]  
Carefree, AZ 85577

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Carefree Rolling Hills Improvement Association

[REDACTED]  
Carefree, AZ [REDACTED]

May 1, 2009

Town of Carefree  
P.O.Box 740  
Carefree, AZ 85377

Mayor Fulcher and Town Council members,

Enclosed is a copy of the letter sent to the Town regarding a petition that was circulated in our neighborhood, by Joie and Hal Rystad. Their petition garnered signatures from over 50 percent of the homeowners in Carefree Rolling Hills.

On April 7, 2009 the Board of Directors of Carefree Rolling Hills Improvement Association addressed this issue and voted in opposition to any and all cell towers being placed within the boundaries of our neighborhood. It is our hope that action will be taken to prevent the towers from being installed and we are prepared to take whatever steps necessary to maintain the quality of life we currently enjoy.

Thank you for your consideration and we would appreciate being kept up to date on the status of these proposed towers.

Sincerely,

Karen Smith-Lovejoy  
Carefree Rolling Hills President  
[REDACTED]

cc: Carefree Rolling Hills Board of Directors  
\*End of Complaint\*

**Utilities' Response:**

**Investigator's Comments and Disposition:**

8/20/09 I contacted Ms. Smith and informed her that her opinion had been received and that it will become part of the permanent filed and that the Commissioners will be receiving a copy of the opinion. She appreciated the information. Closed

Filed in Docket No. T-20567A-07-0662  
\*End of Comments\*

**Date Completed: 8/20/2009**

**Opinion No. 2009 - 81326**

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T-20567A-07-0662

## ARIZONA CORPORATION COMMISSION

### UTILITY COMPLAINT FORM

**Investigator:** Carmen Madrid

**Phone:** [REDACTED]

**Fax:** [REDACTED]

**Priority:** Respond Within Five Days

**Opinion No. 2009 81327**

**Date:** 8/20/2009

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

**Complaint By:** **First:** Harold and Joie **Last:** Rystad

**Account Name:** Harold and Joie Rystad

**Home:** (602) 509-2232

**Street:** [REDACTED]

**Work:** (000) 000-0000

**City:** Carefree

**CBR:** [REDACTED]

**State:** AZ **Zip:** [REDACTED]

**is:** E-Mail

**Utility Company:** Newpath Networks, LLC

**Division:** Telephone

**Contact Name:** n/a

**Contact Phone:** (000) 000-0000

#### **Nature of Complaint:**

AZ CORPORATION COMMISSION August 20, 2009  
Phoenix, AZ

Regarding: Newpath Networks, LLC application

Docket number: T-20567 A-07-0662 "  
Certificate of convenience & necessity

Subject: Property owner's petition in opposition to cell tower placement and towers being added in Carefree, AZ.

To whom it may concern,

The enclosed letters address our opposition to the cell towers proposed by Newpath Networks, LLC. The signed petitions have been delivered to the Carefree town clerk in the Spring 2009.

Recently, we noted that the AZ Corporation Commission docket status showed another step in the application process before the Corporation Commission being due 8/21/09, and we are not aware of any public hearing by the Commission yet on this matter.

We have concerns that the Corporation Commission be made directly aware of the very strong opposition to the proposed cell towers being placed within Carefree neighborhoods, where cell services are already adequately provided from locations in nearby existing public utility and business corridor locations.

The proposed cell towers within neighborhood locations pose a threat to our quite enjoyment of our desert lot homes and concerns about property values, etc.

Please ensure that this communication and the existence of community petitions voicing strong opposition to the Newpath Networks, LLC application covering our community is made part of the record for AZ Corporation

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Commission to review in this matter before the commission.

Thank you for addressing this urgent matter.

Sincerely,  
Harold and Joie Rystad

ENCLOSURES: March 12, 2009 letter for petitions submitted to the Carefree Town council and May 1, 2009 Carefree Rolling Hills Improvement Association letter to the Town council.

H. Rystad

[REDACTED]  
Carefree, AZ [REDACTED]  
Cell Phone [REDACTED]

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March 12, 2009

Town of Carefree  
Office of the Mayor and Town Council  
P.O. Box 740,  
Carefree, AZ 85377

Attn: Mayor Wayne Fulcher and Carefree Town Council

Subject: Submittal of "Petition to prevent placement of Distributed Antenna System (DAS) "cell" towers within Carefree residential areas."

Mayor Fulcher and Town Council,

The enclosed petition is hereby respectfully submitted to voice opposition to added cell tower sites in Carefree as described in a February 12, 2009 mailing from Newpath Networks LLC as follows:

"Newpath Networks is proposing to develop eighteen wireless communications facilities in and around the Town of Carefree. One of these locations is proposed in your neighborhood and located at the Intersection of Quail Trail and Wildflower Rd. The proposal is characterized by installation of a 24' faux cactus and an electric meter pedestal that measures approximately 4 feet tall x 1 1/2 feet wide x 1 1/2 feet deep."

In the enclosed petition to the Town of Carefree that we circulated in Carefree Rolling Hills subdivision it states: "We, the undersigned, are concerned residents of Carefree Rolling Hills who urge the Mayor and Town Council of Carefree, AZ to act now to inform the Newpath Networks LLC of our opposition to placing the above cell antenna towers within residential areas in the town of Carefree. Please take action to prevent the tower locations within housing areas or encourage other appropriate sites acceptable to the undersigned be considered."

Thank you for your efforts and consideration of this matter.

Sincerely, Harold and Joie Rystad  
(home phone [REDACTED])

Enclosure: "Petition to prevent placement of Distributed Antenna System (DAS) "cell" towers within Carefree residential areas."

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CC: Carefree Rolling Hills HOA  
\*End of Complaint\*

**Utilities' Response:**

**Investigator's Comments and Disposition:**

8/20/09 I contacted concerned citizen and informed him that his e-mail has been received and that it will become part of the permanent file and that distribution will be made to Commissioner and Staff members assigned to the matter. He appreciated the information. Closed

Filed in Docket No. T-20567A-07-0662  
\*End of Comments\*

**Date Completed: 8/20/2009**

**Opinion No. 2009 - 81327**

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