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ARIZONA CORPORATION COMMISSION
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11/5/2009

Arizona Corporation Commission
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TO: Arizona Corporation Commission
REGARDING: Docket No. SW-02361A-08-0609

DOCKETED BY [Signature]

Dear Sir or Madam:

My name is Frank Daly, and I live at 2046 Smoketree Drive in Carefree, Arizona. I am writing this letter to share my thoughts regarding the Black Mountain Sewer Processing Plant which is near to my home, and to ask for your help in this matter.

When I purchased this residence approximately five years ago, I was not made aware that there was a sewage treatment plant less than a half mile from my home. However, shortly after moving in, I became aware of a terrible smell around the house which seemed to come and go. At first I thought that an animal or a number of animals had died somewhere in the vicinity of the house, but after I met my neighbors and mentioned this situation, they suggested that the treatment plant might be the source of the noxious smell. Shortly thereafter, I confirmed that this was indeed the source of the odor.

While the odor has abated somewhat over the years, it is still very often present. I try to walk in the morning, and as I walk I find "pockets" of smell along the way. I have learned that there are manhole covers which cannot be sealed and perhaps even manhole covers which have been covered over time and whose location cannot be verified. There are still times when I must keep my windows closed.

While attempts have been made to mitigate the smell, sometimes these efforts have resulted in chemical smells, such as very strong detergent. In spite of these efforts, the smell is often there; it is still sometimes very unpleasant to leave windows open or walk through the neighborhood.

In addition to the smells, there is a loud "blower-like" sound which Black Mountain has confirmed is generated by the sewage treatment facility. The noise is annoying enough, especially when the temperature and wind conditions are just right, that it is uncomfortable to be outside on the patio or even leave windows open in the evening. Black Mountain has acknowledged that the plant is the source of this noise and has attempted to reduce it, but it is still apparent at my house quite often.

Finally, just a few hundred feet from my house, at the end of the street on which I live, there is some sort of lift station which periodically requires pumping out. When this takes place, very large pumping trucks are there for many hours, generating an incredible amount of noise and also some odor.

If the sellers of this property had conformed to Arizona real estate law, they should have disclosed the existence of the sewage treatment facility to any buyer, including myself. They did not, or I certainly would not have purchased this home. Were I to sell the property, I would have to make an appropriate disclosure, and I have no doubt whatsoever that it would adversely impact the value of this home. If you were selling your home, can you imagine telling a prospective buyer "Oh, by the way, there is a raw sewage treatment plant across the road, and quite often you have to close your windows and stay indoors because of the odor and noise...."?

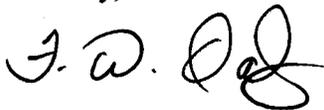
Because of my concerns, I have attended homeowner meetings and even some meetings at which Black Mountain Sewer representatives were present, and at which these issues were discussed. I have learned that there are practical alternatives available to BMSC which would allow them to decommission this facility and utilize existing alternative treatment capabilities. I very strongly support the decommissioning of this facility, and I ask for your help in seeing that a decommissioning be given every possible favorable consideration.

At these meetings, I have also learned that there will be costs associated with a decommissioning which BMSC would have to bear. I understand the fixed nature of their rate structure, and I realize that these costs would be amortized among those who use the services which BMSC provides, including me. I am more than willing to accept my portion of these costs, especially in light of the significantly improved quality of life which I would enjoy, should the facility be decommissioned.

In closing, I would like to say that I believe that BMSC has made sincere efforts to make this situation as good as it can be. However, inasmuch as odors, noise and facility breakdowns continue to exist, it is clear that the technology to make the processing plant "invisible" to the residents simply does not exist. These conditions will inevitably occur as long as the facility is there. And although it is not the fault of BMSC, the notion of a sewage treatment plant in the middle of a residential community is, when you think about it, quite absurd. The ACC, and only the ACC, has the official capability to remedy this situation. I strongly implore you to do what is right and help implement a very practical solution to a situation which today is the result of very poor decisions made some time ago.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "F. W. Daly". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Frank Daly