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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

6 IN THE MATTER OF THE
7 APPLICATION OF SULPHUR SPRINGS
8 VALLEY ELECTRIC COOPERATIVE,
9 INC. FOR A HEARING TO DETERMINE
10 THE FAIR VALUE OF ITS PROPERTY
11 FOR RATEMAKING PURPOSES, TO
12 FIX A JUST AND REASONABLE
13 RETURN THEREON, TO APPROVE
14 RATES DESIGNED TO DEVELOP SUCH
15 RETURN AND FOR RELATED
16 APPROVALS.

DOCKET NO. E-01575A-08-0328

12 IN THE MATTER OF THE
13 APPLICATION OF SULPHUR SPRINGS
14 VALLEY ELECTRIC COOPERATIVE,
15 INC. FOR AN ORDER INSTITUTING A
16 MORATORIUM ON NEW
17 CONNECTIONS TO THE V-7 FEEDER
18 LINE SERVING THE WHETSTONE,
19 RAIN VALLEY, ELGIN, CANELO,
20 SONOITA, AND PATAGONIA,
21 ARIZONA AREAS.

DOCKET NO. E-01575A-09-0453

**SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE, INC'S
RESPONSE TO INTERVENORS'
OBJECTIONS TO PUBLIC FORUM
REPORT**

18 Pursuant to the January 29, 2010, Procedural Order in the above-captioned
19 consolidated matters, Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC" or
20 "Cooperative") filed on February 10, 2010, its Public Forum Report ("Report"). On
21 February 17, 2010, Objections to the Public Forum Report (collectively "Objections")
22 were docketed by Intervenors Susan J. Downing, Susan Scott, and James F. Rowley, III,
23 (collectively "the Intervenors"). SSVEC, through counsel undersigned, hereby files this
24 Response to the Objections.

25 ...

26 ...

Arizona Corporation Commission

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1 **BACKGROUND**

2 Pursuant to Arizona Corporation Commission (“Commission”) Decision No.
3 71274 dated September 8, 2009 (“Decision”), the Commission ordered the following:

4 IT IS FURTHER ORDERED that Sulphur Springs Valley Electric
5 Cooperative, Inc. as a matter of compliance, shall docket by October 30,
6 2009, a report setting forth the manner and dates it shall conduct public
7 forums in the communities served by the planned 69kV line and associated
8 upgrades. The report shall discuss the topics to be addressed at the public
9 forums and topics shall include, but not limited to, addressing how
10 renewable energy generation (in particular distributed generation) could be
11 incorporated into the generation plans to serve the area covered by the
12 planned 69 kV line and associated upgrades.

13 IT IS FURTHER ORDERED that by July 30, 2010, Sulphur Springs Valley
14 Electric Cooperative, Inc., as a matter of compliance, shall docket a report
15 discussing the outcome of the public forums and also discussing how it
16 plans to incorporate reasonable and effective renewable energy proposals
17 resulting from the public forums.¹

18 The Decision provides no other guidance with respect to the scheduling and the
19 agenda for the public forums other than what is quoted above. Therefore, SSVEC
20 proceeded to draft its October 30, 2009, compliance report based upon the language
21 contained in the Decision, as well as the discussions that were held at the August 17 and
22 25, 2009, Open Meetings. A copy of the October 30, 2009, compliance report is attached
23 as Exhibit A. The compliance report clearly outlines the topics that will be discussed at
24 the public forums consistent with the Decision and lists the locations where SSVEC
25 anticipated the public forums would be held.

26 Despite the granting of Intervenor Downing’s and Intervenor Scott’s intervention
on October 22, 2009, and November 18, 2009, respectively, neither Ms. Downing nor Ms.
Scott filed any comments regarding the compliance report until Ms. Scott filed a response
on January 14, 2010, almost two months after her intervention and almost three months
after Ms. Downing’s intervention. Moreover, SSVEC received no comments from either

¹ Decision at page 48, lines 5-15

1 Commissioners or Staff regarding the compliance filing. Accordingly, SSVEC proceeded
2 to schedule public forums consistent with its compliance report and the Decision.

3 Ms. Scott's response included many of the same comments that were included in
4 the Objections. The Administrative Law Judge ("ALJ") reviewed Ms. Scott's comments
5 and suggestions and referenced many of them in her Procedural Order dated January 29,
6 2010. However, following the ALJ's review of Ms. Scott's suggestions, the only
7 additional requirements set forth in the Procedural Order was for the Cooperative to file a
8 more detailed Report by February 10, 2010, to include: (i) a schedule of times and
9 locations of the public forums, (ii) the Cooperative's plan to advertise the times and
10 locations of the public forums, and (iii) how the Cooperative was going to make the
11 Independent Feasibility Study available to interested members. Additionally, the
12 Procedural Order required "SSVEC [to] engage an independent moderator to conduct the
13 public forums in order to assist in the open and impartial exchange of ideas."²

14 SSVEC always considered the moderator of the public forums to be akin to a
15 "master of ceremonies" who would move the agenda forward and lead the discussion
16 contemplated by the Decision. SSVEC interpreted the ALJ's requirement for the
17 moderator to be "independent" to mean not affiliated in any way with the Cooperative or
18 the Intervenor Parties. Consequently, SSVEC believed it was fortunate to be able to
19 secure the services of Ms. Gignac to be the Independent Moderator at the two primary
20 public forums to be held within the Affected Areas on March 9 and March 11, 2010.

21 On February 10, 2010, in compliance with the ALJ's Procedural Order, SSVEC
22 filed its Report providing information consistent with its prior October 30, 2009,
23 compliance report and the Decision. A copy of the Report is attached as Exhibit B. The
24 Report included information: (i) outlining where and when the public forums would be
25

26 ² Procedural Order dated January 29, 2010, at page 6, lines 14-16; lines 24-25.

1 held in the Affected Areas (consistent with the requirements of the Decision), (ii) where
2 and when additional public forums would be held for various Chambers of Commerce in
3 other parts of the Cooperative's service territory (not required by the Decision, but
4 certainly not prohibited), (iii) regarding the proposed agenda to include topics related to
5 bringing renewable generation (including distributed generation) to the Affected Areas
6 (also consistent with the requirements of the Decision), (iv) regarding how SSVEC
7 planned to notify its members and the public of the public forums, and (v) that there
8 would be an Independent Moderator conducting the meetings.

9 At the time SSVEC filed its Report on February 10, 2010, SSVEC had not yet been
10 able to confirm who would be the Independent Moderator. However, the next day
11 SSVEC confirmed that Ms. Gignac would be available to be the Independent Moderator
12 for the two primary public forums to be held within the Affected Areas on March 9 and
13 March 11, 2010. On February 12, 2010, SSVEC filed a Supplement to the Report
14 advising the Commission and the Parties that Ms. Gignac would be the Independent
15 Moderator and attached to the filing Ms. Gignac's impressive resume. A copy of Ms.
16 Gignac's resume is attached hereto as Exhibit C.

17 On February 17, 2010, the Intervenors docketed their Objections to the Report,
18 each listing seven (7) recommendations (albeit similar).

19 **RESPONSE TO OBJECTIONS**

20 **A. Independent Moderator**

21 SSVEC truly believed it was fortunate to secure the services of Ms. Gignac to be
22 the Independent Moderator believing that she would be above reproach and that the
23 Commission would be very pleased with this selection. Incredibly, the Intervenors
24 objected to Ms. Gignac primarily because she resides within SSVEC's service territory.
25 SSVEC understood why the Intervenors might not want an SSVEC employee to moderate
26 the public forums and was willing to secure the services of someone not affiliated with the

1 Cooperative following the issuance of the January 29, 2010, Procedural Order. SSVEC
2 submits, however, that the Intervenor's requested disqualification of Ms. Gignac, despite
3 Ms. Gignac's impressive background, experience, and reputation, simply because she
4 resides within the SSVEC service territory, is ridiculous. The Objections filed by Ms.
5 Downing and Ms. Scott imply that Ms. Gignac would not be impartial since she is a
6 resident of the service area and happens to know something about Commission utility
7 matters.³ Ms. Gignac has had no involvement in this proceeding whatsoever and is
8 completely independent.

9 Our very own Commissioners and ALJs preside over, make recommendations
10 and/or vote on matters involving increasing rates for the very utilities that provide them
11 personally with many of their utility services. Based upon the rationale put forward by
12 Ms. Downing and Ms. Scott, if one of the Commissioners or an ALJ resided in SSVEC's
13 service territory, even they could not be an "impartial" or Independent Moderator.

14 Ms. Downing's and Ms. Scott's recommendations go on to state that Ms. Downing
15 was "led to believe that an independent third party, possibly TRC Engineering ("TRC"),
16 would facilitate the Public Forums"⁴ but cite no basis for this 'belief'. SSVEC maintains
17 that the concept of the Independent Moderator for the public forums was not previously
18 raised as it is something that SSVEC did not consider until after the ALJ ordered the
19 Independent Moderator in the January 29, 2010, Procedural Order. What Ms. Downing
20 may be thinking of is that there were previous discussions that TRC might be the entity to
21 provide a report at the public forums regarding the results of the Independent Feasibility
22 Study. In fact, at the public forums to be held in the Affected Areas, TRC will present
23 information regarding the Independent Feasibility Study but will not moderate the entire
24 public forum.

25 _____
³ See Objections of Downing and Scott at page 2, lines 1-10.

26 ⁴ *Id.*, at lines 12-15.

1 The Independent Moderator is nothing more than a facilitator to lead the meetings.
2 The suggestion that Ms. Gignac is incapable of performing this simple task in an unbiased
3 and professional manner should be summarily rejected.

4 **B. Elimination of Public Forums to be held Outside the Affected Areas**

5 The Intervenors object to SSVEC conducting additional public forums outside of
6 the Affected Areas. Specifically, the Intervenors are asking for the cancellation of the
7 public forums to be at the respective Chambers of Commerce in the towns of Willcox,
8 Sierra Vista, and Benson and accuse the Cooperative of “rewrite the intent of the order.”⁵
9 The Decision requires SSVEC to hold public forums in the Affected Areas. It does not
10 preclude the Cooperative from holding public forums elsewhere. The Independent
11 Feasibility Study and the corresponding delay in SSVEC being permitted to construct the
12 69 kV line has cost all Cooperative members, not just those members residing in the
13 Affected Areas, over \$500,000 in additional costs. The Cooperative’s entire membership
14 has a right to have information as to where and why the Cooperative’s money is being
15 expended and why their electric rates may increase as a result. Moreover, these additional
16 meetings are not the larger scale meetings that SSVEC contemplates for the Affected
17 Areas. They will be held at Chambers of Commerce offices and are consistent with other
18 Chambers of Commerce presentations that SSVEC routinely makes each year to Chamber
19 members. At such meetings, SSVEC routinely provides food and drink as an inducement
20 for members to attend. SSVEC merely scheduled its annual Chamber meetings for this
21 time in order to coincide with the public forum timetable. Moreover, it is unclear why the
22 Intervenors want to keep information from the rest of the membership.

23 ...

24 ...

25 _____
26 ⁵ Objection of Mr. Rowley at page 2, lines 1-2; See also Objections of Ms. Downing and Ms. Scott, at page 2, line 33, “changed the original order“.

1 It is the Commission's policy to encourage ratepayer involvement and the
2 dissemination of information wherever possible. As such, on February 19, 2010, in order
3 to save mailing costs, SSVEC mailed a copy of the Report (that contains the existing
4 schedule of public forums to be held) to all SSVEC members with the public notices of
5 the 252 and Reconsideration hearings. A change in the schedule at this juncture will
6 result in SSVEC having to do yet another expensive mailing and will lead to member
7 confusion.

8 Finally, Ms. Scott raised this very issue in her January 14, 2010, response. In the
9 January 29, 2010, Procedural Order, the ALJ expressly rejected Ms. Scott's suggestion
10 that public forums not be held in other areas of SSVEC's service territory holding that "it
11 is not unreasonable to also hold public forums in other communities in its service area, as
12 the issues raised in conjunction with the feeder line serving the Affected Areas impact the
13 entire Cooperative."⁶ The Intervenors reasserting an issue that has previously been ruled
14 upon is a further waste of the limited time, money and resources of the Commission
15 and/or SSVEC.

16 **C. Navigant Representative at Public Forums for the Affected Areas**

17 Ms. Downing and Ms. Scott recommend that SSVEC be required to have Navigant
18 Consulting attend the public forums to answer questions. Although Ms. Downing and Ms.
19 Scott are concerned about the minimal cost of food and drink that SSVEC provides once a
20 year to a few Chamber of Commerce meetings, they do not appear to be concerned about
21 the thousands of dollars it would take to "have representation from Navigant Consulting
22 to answer questions from cooperative members at the Public Forums regarding the
23 Feasibility Study."⁷ The Independent Feasibility Study speaks for itself and, as indicated
24 above, TRC will make a presentation at the public forums regarding the Independent

25 _____
⁶ Procedural Order dated January 29, 2010, at page 6, lines 20-22.

26 ⁷ Objections of Ms. Downing and Ms. Scott at page 3, lines 5-7.

1 Feasibility Study and be available to answer questions. Moreover, as reflected in
2 SSVEC's Pre-filed Direct Testimony to be filed on February 23, 2010, SSVEC plans to
3 have Mr. Eugene Shlatz of Navigant available at the hearing on March 24/25, 2010 (less
4 than two weeks after the public forums to be held in the Affected Areas), to answer
5 questions of the Intervenors, Staff, the ALJ, and the Commissioners on the record.
6 Finally, this issue was already raised by Ms. Scott in her January 14, 2010, response and
7 not adopted by the ALJ in the January 29, 2010, Procedural Order.

8 **D. Adding More Public Forums**

9 The Objections request that additional public forums be added in the Affected
10 Areas. SSVEC has already mailed notices to its members regarding the two public
11 forums to be held in the Affected Areas, as well as the additional public forums that it will
12 conduct at the various Chambers of Commerce. Additional public forums are simply not
13 necessary. SSVEC has and will expend considerable time, money, and resources to
14 conduct the public forums set forth in its Report, and the Cooperative is in full compliance
15 with the Commission's Decision in this regard.

16 **E. Intervenor Presentation at Public Forums**

17 SSVEC does not intend to present "its side of the story," as once again wrongfully
18 alleged in the Objections filed by Ms. Downing and Ms. Scott. There will be factual
19 presentations made by SSVEC representatives regarding the Sonoita Reliability Project
20 and renewable energy generation plans for the Affected Areas, as well as an interactive
21 presentation and discussion by a TRC representative regarding the Independent Feasibility
22 Study. If the Intervenors would like to make a presentation at the public forums to be held
23 in the Affected Areas to present their "reasonable and effective renewable energy
24 proposals"⁸, SSVEC has no objection. If the Intervenors would notify SSVEC at least one
25

26 ⁸ See Decision at page 39, lines 26-27.

1 week prior to the public forums as to who will be making the presentation and how much
2 time is needed, SSVEC will add this to the agendas.

3 **F. Making Hearing Transcripts Available at Public Libraries**

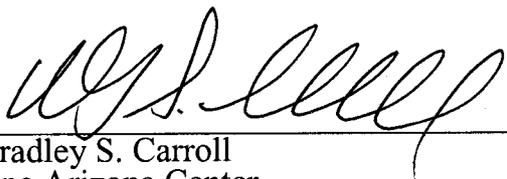
4 It is SSVEC's understanding that it is not permitted to make copies of transcripts
5 that it has purchased from the court reporting service. Although SSVEC has no objection
6 to hearing transcripts being made available at public libraries, this should be an issue
7 between the Intervenor, the Commission, and the court reporting service.

8 **G. Conclusion**

9 On the basis of the foregoing, the Intervenor's objections should be rejected and
10 the public forums should be conducted consistent with the Report (and supplement) as
11 filed with the Commission. Additionally, the ALJ has already considered and ruled on
12 several of the issues raised in the Objections in the January 29, 2010, Procedural Order.
13 The issue of the public forums has been known to the Intervenor since the issuance of the
14 Decision on September 8, 2009. After SSVEC has already spent considerable time,
15 money, and resources to arrange the public forums, and after public notice has already
16 been mailed directly to all SSVEC members and is also about to be published, the
17 Intervenor should not be permitted to disrupt this process at the eleventh hour in an effort
18 to further delay these proceedings.

19 RESPECTFULLY SUBMITTED this 23rd day of February, 2010.

20 SNELL & WILMER L.L.P.

21
22
23 By 
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24 One Arizona Center
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25 Phoenix, Arizona 85004-2202
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1 ORIGINAL and 14 copies filed this
23rd day of February, 2010, with:

2 Docket Control
3 ARIZONA CORPORATION COMMISSION
1200 West Washington
4 Phoenix, Arizona 85007

5 COPIES of the foregoing hand-delivered
this 23rd day of February, 2010, to:

6 Steve Olea, Director
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9 Wesley C. Van Cleve, Attorney
10 Legal Division
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Phoenix, Arizona 85007

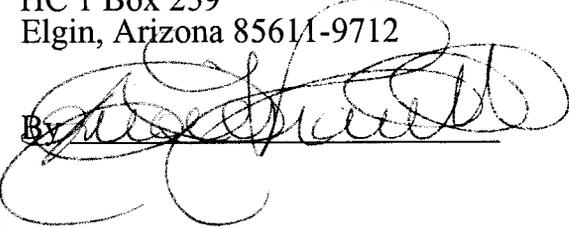
12 COPY of the foregoing mailed/e-mailed
this 23rd day of February, 2010, to:

14 Jane L. Rodda, Administrative Law Judge
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15 ARIZONA CORPORATION COMMISSION
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18 Sonoita, AZ 85637

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HC 1 Box 197
20 Elgin, Arizona 85611

21 James F. Rowley, III
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22 Elgin, Arizona 85611-9712

23 By 
24
25

26

Exhibit A



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

Docket No. E-01575A-08-0328

Decision No. 71274

Sonoita Reliability Project

Public Forum Report

In compliance with the Arizona Corporation Commission Decision No. 71274 ("Decision"), Sulphur Springs Valley Electric Cooperative, Inc ("SSVEC") submits the following schedule of Public Forums "in the communities served by the planned 69kV line and associated upgrades", and in communities throughout SSVEC's service territory which will be or have been impacted by the results of the Decision.

Topics which shall be addressed at the Public Forums will focus on solutions identified in the Independent Third Party Feasibility Study required by the Decision, to be docketed December 31, 2009, along with associated short-term and long-term costs, time effectiveness, environmental factors, health and safety considerations, and legal and regulatory requirements.

Included as discussion in the Public Forums, is how renewable energy generation could be incorporated into the generation plans to serve the area covered by the planned 69kV line and associated upgrades, and other areas in SSVEC's service territory.

Public Forums will begin the week of February 1, 2010, and shall continue through March 28, 2010. The official dates shall be based upon a determination of the availability of locations and commitment of meeting facilities.

Public Forums shall be held at the following locations/organizations:

Sonoita/Elgin:

Elgin School

Sonoita Chamber of Commerce

Sonoita Community Crossroads Forum

Sonoita/Patagonia Association of Realtors

Town of Patagonia

Patagonia Chamber of Commerce

City of Sierra Vista

Sierra Vista Chamber of Commerce

City of Benson

Benson Chamber of Commerce

City of Willcox

Willcox Chamber of Commerce

Exhibit B



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

**Docket Nos. E-01575A-08-0328 and E-01575A-09-0453
Decision No. 71274 and Procedural Order January 29, 2010
Sonoita Reliability Project ("SRP")
Public Forum Report
February 10, 2010**

In compliance with the Arizona Corporation Commission Decision ("Commission") No. 71274 ("Decision") and the Procedural Order dated January 29, 2010, Sulphur Springs Valley Electric Cooperative, Inc. ("SSVEC") submits the following schedule of Public Forums to be held "in the communities served by the planned 69kV line and associated upgrades," and in communities throughout SSVEC's service territory.

SSVEC has scheduled Public Forums in the areas directly impacted by the SRP ("Affected Areas") on the following dates and at the following locations:

March 9, 2010	Patagonia High School, 200 Naugle Ave, Patagonia AZ	6:00pm
March 11, 2010	Elgin Elementary School, 23 Elgin Rd, Sonoita AZ	6:00pm

Meetings with various local organizations in the Affected Areas may also be scheduled.

SSVEC has scheduled presentations to Local Chambers of Commerce on the following dates and at the following locations:

March 2, 2010	Willcox Chamber of Commerce, Willcox, AZ	12:00pm
March 25, 2010	Sierra Vista Chamber of Commerce, Sierra Vista, AZ	8:00am
March 25, 2010	Benson Chamber of Commerce, Benson, AZ	12:00pm

Further meetings with various local organizations may also be scheduled.

SSVEC will advertise the Public Forums in the following newspapers:

- Nogales Bulletin, Regional newspaper in the Affected Areas
- Patagonia Regional Times, Regional newspaper in the Affected Areas
- Sierra Vista Herald, Regional newspaper in the greater Sierra Vista area

SSVEC will mail its members a formal announcement letter to include the Public Forum dates, times, meeting locations, agenda, and locations where the Independent Feasibility Study will be made available for inspection and review, and post the announcements on its website and in its regional offices.

SSVEC intends to make the Independent Feasibility Study available for inspection and review at the following locations:

- SSVEC Regional Office, 281 McKeown Avenue, Patagonia, AZ
- SSVEC Regional Office, 311 E. Wilcox Dr, Sierra Vista, AZ
- SSVEC Regional Office, 350 N. Haskell Ave, Willcox, AZ
- SSVEC Regional Office, 285 W. Fifth Street, Benson, AZ
- SSVEC Regional Office, 4179 W. Thistle Lane, Elfrida, AZ
- Patagonia Public Library, 342 Duquesne Avenue, Patagonia, AZ
- Sonoita Community Library, 3147 Highway 83, Sonoita, AZ

SSVEC intends to advertise the Public Forums and make available a hard copy of the Independent Feasibility Study at least two weeks prior to first meeting date. The Independent Feasibility Study has been, and will continue to be, available on SSVEC's website. It is also available on the Commission's E-Docket.

SSVEC will engage an independent moderator to conduct the Public Forums in the Affected Areas and to assist in the open and impartial exchange of ideas.

Topics which shall be addressed at the Public Forums will focus on solutions identified in the Independent Feasibility Study. Included in the discussion at the Public Forums, is how renewable energy generation could be incorporated into the generation plans to serve the area covered by the planned 69kV line and associated upgrades and other areas in SSVEC's service territory.

The Agenda for the Public Forums is as follows:

- Introduction of Moderator and Presenters
- Review of the Sonoita Reliability Project
- Overview of the Proceedings before the Arizona Corporation Commission
- Presentation of the Independent Feasibility Study
- Renewable Energy Generation Plans for the Area to include:
 - \$6 Million 750kW Solar Array at proposed Sonoita Substation
 - \$1.2 Million American Recovery and Reinvestment Act 'Smart Grid'

- Demand Side Management possibilities
- Open Discussions between SSVEC and members of the public regarding solutions identified in the Independent Feasibility Study and how renewable energy generation could be incorporated into the generation plans to serve the Affected Areas covered by the planned 69kV Line and associated upgrades.

SSVEC intends to prepare a record of the Public Forums which, if practical, will be posted on its website and will be utilized in the preparation of the compliance report SSVEC will file as required by the Decision.

Exhibit C

Judith A. Gignac

Ms. Gignac, recently retired as General Manager of Bella Vista Ranches Limited Partnership in Sierra Vista having been with the company since 1988. After serving 17 years as Vice President and General Manager of Bella Vista Water Company she retired from that position in 2004. She was appointed to an eight-year term on the Arizona Board of Regents in 1994, and served as its President during 1998-1999 and nine years on the State Board of Directors for AZ Community Colleges. She has served on the board of University Medical Center in Tucson since 1997 and currently is the Board Chair. She is a member of the Upper San Pedro Partnership and past chair of the Executive Committee. She has been a long-time member of Arizona Town Hall, served on the Board and as Chair in 2001-2003. Ms. Gignac served for twelve years on the Cochise County Board of Supervisors (1977-1988). She received an Honorary Doctor of Letters from the University of Arizona, December 2004 and a Lifetime Achievement Award from the Sierra Vista Chamber of Commerce in 2007.

She has held positions on numerous boards and committees including the Greater Sierra Vista United Way, the Sierra Vista Citizens' Advisory Committee, Sierra Vista Chamber of Commerce and is an honorary director of University South Foundation. Other positions consist of serving as a member of the statewide Riparian Area Advisory Committee, co-chair of the Water Issues Group for the Sierra Vista area, and director of the Water Utilities Association of Arizona.

She has been honored by the Commission on the Status of Women Vision Award (2000) and the University of Arizona Commission's Vision Award (2002), Fort Huachuca 50 DeConcini Award (1995), named as Sierra Vista Chamber of Commerce Citizen of the Year (1994), Republican Woman of the Year (1988), DAR Medal of Honor, Toastmasters International Leadership & Communications Award, Who's Who in the West, Who's Who of American Women, and Who's Who in Politics. The Rotary Club of Sierra Vista honored her in October 2005 with their first Certificate of Professional Excellence.