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BEFORE THE ARIZONA CORPORATION COMMISSION

2011 NOV 22 P 4: 39

COMMISSIONERS

GARY PIERCE, Chairman
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP
BRENDA BURNS

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE
APPLICATION OF BLACK MOUNTAIN
SEWER CORPORATION, AN ARIZONA
CORPORATION, FOR A
DETERMINATION OF THE FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN
ITS RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

NO. DOCKET NO. SW-02361A-08-0609

**BOULDERS HOMEOWNERS'
ASSOCIATION'S NOTICE OF
FILING**

The Boulders Homeowners' Association ("BHOA"), hereby files a copy of the Resolution recently adopted by the Town of Carefree asking the Arizona Corporation Commission to take appropriate steps to close The Boulders Wastewater Treatment Plant.

A copy of the Resolution was previously docketed by the Town, but that filing omitted the final page. Attached is a complete copy of the Resolution.

Dated this 22nd day of November, 2011.

RIDENOUR, HIENTON, & LEWIS, P.L.L.C.

By

Scott S. Wakefield
201 North Central Avenue, Suite 3300
Phoenix, Arizona 85004-1052
Attorneys for Boulders Homeowners'
Association

Arizona Corporation Commission

DOCKETED

NOV 22 2011

DOCKETED BY *MN*

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1 ORIGINAL and 13 copies filed
this ~~21st~~ day of November, 2011 with:

2 Docket Control
3 Arizona Corporation Commission
4 1200 W. Washington Street
Phoenix, AZ 85007

5 COPY of the foregoing HAND-DELIVERED
this ~~21st~~ day of November, 2011 to:

6 Commissioner Gary Pierce, Chairman
7 Commissioner Paul Newman
8 Commissioner Sandra D. Kennedy
9 Commissioner Bob Stump
Commissioner Brenda Burns
1200 West Washington Street
Phoenix, AZ 85007

10 Janice Alward, Chief Counsel
11 Legal Division
ARIZONA CORPORATION COMMISSION
12 1200 W. Washington Street
Phoenix, Arizona 85007

13 Steve Olea, Director
14 Utilities Division
ARIZONA CORPORATION COMMISSION
15 1200 W. Washington Street
Phoenix, Arizona 85007

16 Lyn Farmer
17 Utilities Division
ARIZONA CORPORATION COMMISSION
18 1200 W. Washington Street
Phoenix, Arizona 85007

19 COPY of the foregoing
20 MAILED/EMAILED this ~~21st~~ day of November, 2010 to:

21 Greg Sorenson
22 ALGONQUIN WATER SERVICES
23 12725 W. Indian School Rd., Suite D-101
Avondale, Arizona 85392

24 Jay L. Shapiro (jshapiro@fclaw.com)
25 Norman D. James (njames@fclaw.com)
FENNEMORE CRAIG, PC
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Phoenix, Arizona 85012
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1 Jodi Jerich
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2 RUCO
1110 W. Washington Street, Suite 220
3 Phoenix, Arizona 85004-1481

4 Michelle L. Wood (mwood@azruco.gov)
Residential Utility Consumer Office
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Phoenix, AZ 85007

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13 Scottsdale, Arizona 85266

14 Frederic D. Bellamy
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15 Ryley Carlock & Applewhite, P.A.
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16 Phoenix, Arizona 85004-04417

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Sherman & Howard
18 7047 East Greenway Parkway, Suite 155
Scottsdale, Arizona 85254
19 Attorneys for Town of Carefree

20 Gary Neiss
Town of Carefree
21 Town Administrator
100 Easy Street
22 P.O. Box 740
Carefree, Arizona 85377

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24 
25
26

TOWN OF CAREFREE, ARIZONA
RESOLUTION 2011-13

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN
OF CAREFREE, MARICOPA COUNTY, ARIZONA REQUESTING ACTION TO
BE TAKEN BY THE ARIZONA CORPORATION COMMISSION ON THE
MATTER OF THE BOULDERS WASTEWATER TREATMENT PLANT.

WHEREAS, The Boulders Wastewater Treatment Plant (the "Treatment Plant") is located in the Town of Carefree and is owned and operated by Black Mountain Sewer Corporation, an Arizona Corporation. The treatment plant is located within 1,000 feet of approximately 200+ homes in The Boulders; and

WHEREAS, there are severe ongoing odor and noise problems emanating from the treatment plant. The offensive odors are impacting the lifestyle and ability of residents of the Town of Carefree living in The Boulders to enjoy their properties; and

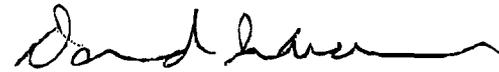
WHEREAS, in view of the severe odors emanating from the treatment plant, the Town urges the Arizona Corporation Commission to take appropriate steps to close the treatment plant.

NOW THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the Town of Carefree, Maricopa County, Arizona as follows:

Section 1: That the Arizona Corporation Commission take appropriate steps to close the treatment plant.

Section 2: That the Clerk of the Town of Carefree transmit copies of this Resolution to the Arizona Corporation Commission and each member thereof.

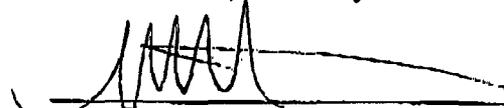
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree this
1 day of November, 2011.



David Schwan, Mayor



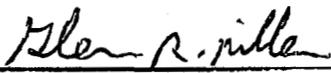
Melissa Price, Vice Mayor

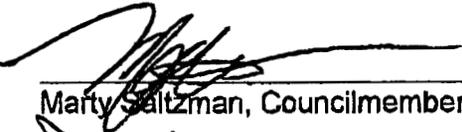


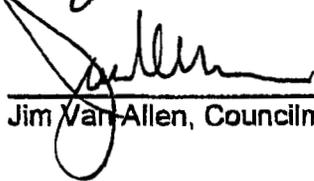
Mike Farrar, Councilmember



Arthur Gimson, Councilmember


Glenn R. Miller, Councilmember

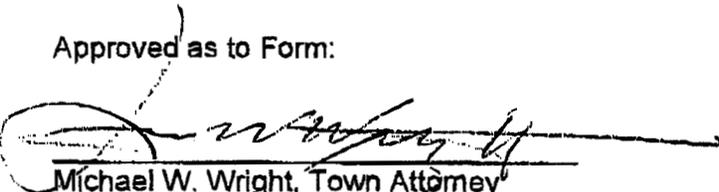

Marty Saltzman, Councilmember


Jim Van Allen, Councilmember

Attest:


Elizabeth L. Wise, Town Clerk

Approved as to Form:


Michael W. Wright, Town Attorney