

WS-20794A-11-0140

ORIGINAL



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ARIZONA CORPORATION COMMISS

UTILITY COMPLAINT FORM RECEIVED

Investigator: Carmen Madrid

Phone: 2011 DEC -8 P 12: 54

Fax:

Priority: Respond Within Five Days

AZ CORP COMMISSION DOCKET CONTROL

Opinion No. 2011 101090

Date: 12/6/2011

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

First:

Last:

Complaint By: Charles A.

Bigler

Account Name: Charles A. Bigler

Home:

Street:

Work: (000) 000-0000

City:

CBR:

State: AZ Zip:

is:

Utility Company: DII-Emerald Springs, LLC

Division: Sewer/Water

Contact Name:

Contact Phone: (000) 000-0000

Nature of Complaint:

November 30, 2011

Charles A Bigler

Arizona Corporation Commission DOCKETED DEC - 8 2011

DOCKETED BY [Signature]

Arizona Corporate Commission Consumer Services Section 1200 W. Washington St. Phoenix, AZ 85007

Dear Commissioners:

Please allow me to state my concerns regarding DII Emerald Springs LLC (Henry Melendez) application for Certificate of Convenience and Necessity ("CC & N") and rate increase for sewer service in Ehrenberg, AZ 85334.

As a home owner in the Emerald Springs Subdivision, Ehrenberg, AZ 85334 I have a very real problem with the Arizona Corporate Commission granting any type of certificate for any reason to a corporation or person who has appeared to bail out of most all of the financial responsibilities he has undertaken with regards to the Emerald Springs Subdivision.

DII Emerald Springs LLC (Henry Melendez) has been foreclosed on by the lender Waltco/Robb Hanna on 244 acres, adjacent to the Emerald Springs Subdivision and several lots within the Subdivision so I'm told.

DII Emerald Springs LLC Sewer Plant (Henry Melendez) sets within the 244 acres that have been foreclosed on by Waltco/Robb Hannah. As of November 1, 2011 when I talked with the representative for Waltco there is no current lease to DII Emerald Springs LLC for that small piece of property within the 244 foreclosed acres where

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the DII Emerald springs LLC sewer plant resides. Therefore the sewer plant is temporarily located on someone else's property. How can it ever be considered for a CC&N permit?

There is approximately 2000 feet (Not measured) of sewer pipe on the 244 foreclosed acres of property that connects Emerald Springs Subdivision to DII Emerald Springs LLC's sewer plant without a current easement. If the property were to be sold, where would this put the home owners of Emerald Springs Subdivision as far as sewer service is concerned The Emerald Springs HOA owns none of the sewer pipe that connects our homes to Mr. Melendez Temporary sewer plant.

The lift station for the Emerald Springs Subdivision is located within the 244 acres that have been foreclosed on to DII Emerald Springs LLC by Waitco/Robb Hannah. The lift station has never been owned by the Emerald Springs Home Owners Association. There is no current lease for that piece of property to DII Emerald Springs LLC from Waitco /Rob Hannah or anyone else that I know of.

How can DII Emerald Springs LLC's sewer plant, sewer pipe and lift station be considered permanent when it is all located on property that DII Emerald Springs LLC neither owns, rents or has an easement. The owners of the property could require Mr. Melendez to vacate the premises with a 15 day notice.

At some point in time the 244 achers will be sold to someone to cover the cost of foreclosure. How can it be sold with a permanent sewer plant, pipe and lift station on several small pieces of the foreclosed land within the 244 acres?

Henry Melendez entered into a contract with the Emerald Springs Home Owners Association to provide sewer service to the current homes within the development. Neither party has agreed to bicak that contract, so how can Henry Melendez expect to increase his rates above and beyond what is stipulated within the current contract?

Please *do not* grant DII Emerald Springs LLC a Certificate of Convenience and Necessity to provide sewer service or a rate increase until all of the home owners and people of Ehrenberg, AZ, Emerald Springs Subdivision and the Arizona Corporate Commission have evaluated all of the facts.

Emerald Springs home owners may have an opportunity to reconnect to the original sewer provider for sewer service. As a homeowner I would personally be in favor of that.
Thank you Arizona Corporate Commission for considering my points and questions.

Very truly yours,

Charles A. Bigler
End of Complaint

Utilities' Response:

Investigator's Comments and Disposition:

Opinion noted and filed in Docket No. WS-20794A-11-0140. closed
End of Comments

Date Completed: 12/6/2011

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