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ORIGINAL

DII-Emerald Springs, LLC
212 E. Rowland Street #423
Covina, CA 91723

RECEIVED

March 9, 2012

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Docket Control Center
Arizona Corporation Commission
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Phoenix, Arizona 85007

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MAR 13 2012

RE: RESPONSE TO MOTION TO CONTINUE FILED ON 3/7/2012
Docket No. WS-20794A-11-0140 and WS-20794A-11-0279

DOCKETED BY 

DII-Emerald Springs, LLC ("DII") responds to the motion to continue as follows:

1. DII is opposing the motion to continue as the HOA (current-previous board and attorney) have been kept informed and decided earlier in the process not to participate. They have had significant amount of time (many months) to participate. We have been in this process for over 11 months and the HOA during this time decided not to intervene.
2. DII believes the HOA's sole purpose is to delay this process; this is why they have waited this long to intervene.
3. The HOA is acting very poorly by unilaterally and without authorization of ADEQ or AZCC and in violation of the existing sewer service agreement in re-directing the sewerage flow to a non approved utility provider. The HOA Board cut off the sewage flow from DII's WWTP to Mr. Thompson's plant prior to contacting DII. DII received the attached letter a few minutes past noon time; the same day the HOA cut off the flow. DII was notified 2 hours after the HOA had physically cut off the sewage flow, disregarding any potential damage to DII's WWTP. This information was provided by our plant operator (James Grimes) who received a telephone call from one of the HOA Board members telling him of the above mentioned action. Attached is the actual email and letter received from the HOA the day of the event.
4. DII started the process with AZCC to become a regulated utility over 11 months ago. DII has followed all instructions and have complied with all requests; in an effort to become an approved utility. Mr. Thompson in the other hand; is not a regulated approved utility; he has not filed an application to become an approved utility, nor is he authorized to accept sewage from others. The HOA does not have a valid reason to act the way they are. The HOA's action of cutting off the flow unilaterally at best is very disturbing and questionable.
5. DII respectfully requests the Judge deny the motion to continue and move forward with the already set scheduled of events.
6. DII also respectfully requests the Judge address the issue of the HOA's cutting off sewage flow and redirecting it to a non approved utility without any reason or authorization.

If you need additional information, please contact me directly at 626-664-0602.

Sincerely;

DII-Emerald Springs, LLC
Henry Melendez, President

DII-Emerald Springs, LLC - Docket No. WS-20794A-11-0140 & WS-20794A-11-0279

From: Ronda Davidson <estreasurer@yahoo.com>

To: Henry Melendez <diigroup@aol.com>

Cc: Julie LaBenz <jlabenz@johnchurchill.com>

Subject: Sewer Services to Emerald Springs

Date: Tue, Mar 6, 2012 12:09 pm

Attachments: sewer_letter_to_henry_melendez.pdf (186K)

Emerald Springs Homeowners Association
128 N. Spring Street
Blythe, CA 92225

March 6, 2012

Mr. Henry Melendez
DII-Emerald Springs, L.L.C
212 East Rowland Street, No. 423
Covina, CA 97723

Re: SEWER SERVICES TO EMERALD SPRINGS

Dear Mr. Melendez & DII-Emerald Springs, L.L.C.,

Since July 2004, DII-Emerald Springs has allowed the homeowners within Emerald Springs to connect to the sewer treatment plant located behind Emerald Springs. (See paragraph H of the July 10, 2004 Agreement Regarding Sewer Services).

The purpose of this letter is to notify you that at approximately 10:00 a.m. P.S.T. the pipe connecting the Emerald Springs homeowners to the sewer treatment plant located behind Emerald Springs will be temporarily disconnected in order for the HOA to conduct a test/pilot program with a prospective sewer services provider in an effort to determine if such provider can accommodate the HOA's sewer service needs.

It is our understanding that once this process takes place that sewage may remain in the sewer treatment plant located behind Emerald Springs. It is your responsibility to see that the remaining sewage is treated as necessary to avoid any health and safety issues. We intend to work with you and the county Health Department to ensure that the proper steps are taken to safeguard the health and safety of the homeowners.

Following this test/pilot period, the HOA intends to contact you in order to discuss prospective future sewer services to the homes within Emerald Springs.

Thank you for your attention to this matter. Should you have any questions, you may contact the HOA board through the HOA email address, estreasurer@yahoo.com.

Sincerely,

Emerald Springs HOA

cc: Julie A. LaBenz,
Law Offices of John C. Churchill

Alan Kabaker
Charles Dunn Financial Services Group