

**ORIGINAL** OPEN MEETING AGENDA ITEM



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Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007-2927

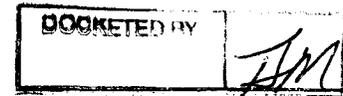
AZ CORP COMMISSION  
DOCKET CONTROL

April 28, 2013

Arizona Corporation Commission  
**DOCKETED**

APR 29 2013

Re: Black Mountain Sewer Corporation  
Docket No: SW-02361A-08-0609  
Decommissioning the Boulders WWTP



Commissioners: Bob Stump, Chairman  
Gary Pierce, Commissioner  
Brenda Burns, Commissioner  
Susan Bitter Smith, Commissioner  
Bob Burns, Commissioner

Dear Chairman Stump and Commissioners,

For the past eight years, we have written complaint letters to, and attended Hearings at, the Arizona Corporation Commission (ACC) regarding the obnoxious sewer odor which is produced by the Boulders WWTP, and which permeates our property on an intermittent basis. During these years, we've described what it is like living with this public nuisance. So many people in the Boulders have complained about the above, that a previous Commission Chairman commented at the end of a Hearing, "It [the plant] never should have been put there in the first place."

Although Black Mountain Sewer Corporation (BMSC) has made numerous efforts to address the problem, sewer odor continues to permeate surrounding properties, affecting not only homeowners, but also resort golfers. This has been going on for years. And for years, workers at the Arizona Department of Environmental Quality, and Maricopa County Environmental Services have been aware of the severe odor problem in this area.

It's time for the Boulders WWTP to go. Every year it remains incurs ever increasing costs to its removal. These are costs that ratepayers will pay.

Council for the Boulders Resort states that an ACC order to close the plant would be "a shocking abuse of government power", and "bad public policy." What is shocking to us is that for the past twenty years, the ratepayers have born the costs of all the improvements and maintenance for a plant that operates only for the benefit of the Boulders Resort. Furthermore, citing its contract with BMSC, the Resort demands that this "entitlement" continue for another ten years, even though it has been demonstrated that the plant is indeed a public nuisance. Now there's "bad public policy."

We urge you to adopt Judge Dwight Nodes Recommended Opinion and Order to close the Boulders WWTP.

Thank you again, for your kind attention to this matter.

Sincerely,



Ernest M. Courier



Marilyn H. Courier