

John Sears  
Hillcrest Bay, Inc.  
USCA

February 5, 2009

Timothy J. Sabo  
Roshka, DeWulf & Patten, PLC.  
400 East Van Buren St. Suite 800  
One Arizona Center  
Phoenix, Arizona 85004

Dear Tim,

Enclosed please find:

Per your request, and with the agreement of Robyn Mitchell, the copy of the Transcript of the January 18<sup>th</sup>, 2008 ACC hearing, before The Honorable Sarah N. Harpring.

A Copy of the ACC Staff's Brief, dated March 21<sup>st</sup>, 2008 as well a copy of Staff's Overview.

An important letter from D.L. Wilson of APS and Robyn Elliff of Verizon sent to each property owner regarding the 1<sup>st</sup> required Petition. This is the Petition that set this process in motion.

An original 2<sup>nd</sup> Petition with the attached required documents. This Petition is referenced in Staff's Brief Page 2, II. It is the 2<sup>nd</sup> of two qualifying documents for the UCSA Project .

Copy of Amendment 4) Petition (for comparison)

It is Hillcrest Bay's position that these first two Petition's are the legal basis, as set forth in the Arizona statute for the conversion process and that the Petition's and their effect are not overridden by the Petition as required in Amendment # 4). It is only these first 1<sup>st</sup> two Petition's that compel the utilities to convert the overhead lines to underground facilities.

Our position is that the Petition as required in Amendment # 4) is advisory only and not definitive.

As we discussed last Monday, please confirm: 1) that our position on these petition's is a valid position as set forth in the statute ARS 40-341 et. seq., 2) that the the time for withdrawal of signatures is governed by statute as well and that time has now passed. Please see (Staff's Brief Pg 10, IV).

I will need confirmation of these two issues in time for my presentation at the upcoming HOA Board meeting on Sunday 2/22/2009 at Hillcrest Bay. Please reply by Wednesday 2/18/2009, or before, as we will be leaving for Arizona on Thursday.

Thanks for your work on understanding this UCSA project on behalf of the Hillcrest Bay community.

John Sears, Chairman UCSA

