

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of
InSite Towers Development, LLC against
Dixie-Escalante Rural Electric Association,
Inc.

DOCKET NO. 15-066-01
ORDER DISMISSING COMPLAINT

ISSUED: March 8, 2017

BACKGROUND

1. On April 9, 2015, InSite Towers Development, LLC (InSite) filed a formal complaint against Dixie-Escalante Rural Electric Association, Inc. (Dixie-Escalante).¹
2. On April 20, 2015, the Public Service Commission of Utah (PSC) held a scheduling conference,² and on April 22, 2015, issued a scheduling order and notice of hearing.³
3. On June 10, 2015, InSite filed a motion to indefinitely suspend the procedural schedule in this docket because settlement proceedings were underway that might resolve Insite's complaint.⁴
4. On June 11, 2015, the PSC entered an order suspending the scheduling order.⁵ The order states, in part: "If, at a future date, any party believes reason(s) exist for lifting the suspension, that party should file a motion explaining the reason(s) why it is necessary to lift the suspension."⁶
5. On March 7, 2017, InSite filed a motion to dismiss its complaint with prejudice.

¹ See Complaint, Request for Declaratory and Injunctive Relief and Request for Agency Action, filed April 9, 2015.

² See Notice of Rescheduled Scheduling Conference, issued April 16, 2015.

³ See Scheduling Order and Notice of Hearing, issued April 22, 2015.

⁴ See Motion for Indefinite Stay of Procedural Schedule, filed June 10, 2015.

⁵ See Order Suspending Scheduling Order, issued June 11, 2015.

⁶ *Id.*

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InSite explains that the parties “have reached a satisfactory settlement of the issues raised in [this docket].”⁷ Accordingly, Insite seeks “an order dismissing [its complaint] with prejudice.”⁸

ORDER

For the reasons set forth in InSite’s motion and other good cause appearing, the PSC grants the motion to dismiss with prejudice.

DATED at Salt Lake City, Utah, March 8, 2017.

/s/ Melanie A. Reif
Presiding Officer

Approved and Confirmed March 8, 2017, as the Order of the Public Service
Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
dw#292033

⁷ *Id.*

⁸ *Id.*

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

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CERTIFICATE OF SERVICE

I CERTIFY that on the March 8, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

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