

ORIGINAL**J. Rodney Dansie**

From: "J. Rodney Dansie" [redacted]
 Date: Thursday, August 30, 2012 9:06 PM
 To: "Public Service Commission" <psc@utah.gov>; "Craig Smith" <jcsmith@smithlawonline.com>;
 "Patricia Schmid" <pschmid@utah.gov>; "Shauna Benvegnu-springer" <sbenvegn@utah.gov>; "J.
 Rodney Dansie" <[redacted]>; "Dennis Miller" <dennismiller@utah.gov>
 Subject: request to review 1996 Exemption and order of the public service commission cancelling Certificate #
 2737 and conditions of service to existing customers.

To: Utah Public Service Commission
 160 East 300 South 4th floor
 Salt Lake City, Utah 84111

Ted Boyer, Chairman Public Service Commission of Utah

Ric Campbell, Commissioner

Ron Allen Commissioner

Gary L. Widerburg, Commission Secretary Utah Public Service Commission

RE: Request to review the 1996 order of the commission regarding the cancelling of Certificate of #
 2737 Hi-

Country Estates Homeowner's Phase one company, and accompanying requirements that the HOA
 continue to provide service to its existing customers (PROVIDED THAT THEY BECOME MEMBERS OF
 THE COMPANY).

I HEREBY MAKE THE REQUEST THAT THE COMMISSION CONDUCT A FULL REVIEW OF THAT ORDER
 AND ITS CONDITIONS FOR CONTINUING TO PROVIDE SERVICE TO THE EXISTING CUSTOMERS
 "PROVIDED THEY BECOME MEMBERS OF THE COMPANY" IT WAS ORDERED THAT THE ORDER BE
 DELAYED 60 DAYS FOR THE DUP TO CONDUCT AND AUDIT OF THE BOOKS AND RECORDS (WHICH
 SHOULD HAVE INCLUDED THE MEMBERSHIP REQUIREMENTS) AS PER THE COMMISSIONS ORDER.

2. Was the audit ordered by the commission completed by the DPU and Did the Utility fully comply
 with the order requiring that all existing customers be come members of the company providing
 water service Hi-Country Water/ HI-Country HOA.

3. If the Utility/ Company did not comply with the commissions order and requirements regarding
 membership of all customers receiving water service, it appears the HI-Country Water/ HOA has been
 operating as Illegal (Defector) utility for the past 16 years and may be subject to fines, and
 punishment by the commission for failing to comply with the commissions order granting exemption
 and cancelling certificate # 2737.

4. The Charges and fees charged by the Association may be subject to review and audit to determine if
 the rates were fair and just and met the requirements of Utah Code 54 governing a utility providing
 water service to the Public in General without commission authorization.

5. The surplus of funds in the water company and loans on legal fee payments to the HOA raise questions and may warrant a full audit and refunds if the rates were excessive and funds spend for items not allowed by a public utility.

6. This is a very important issue and needs to be fully investigated and answers provided by the commission to all of the customers/members of the Hi-Country Water/ HI-Country Estates HOA. Refunds should be ordered if the rates were excessive or if funds were expended on items not allowed in normal rates cases by a utility or Defector or Illegal utility without commission approval.

7. Hi-Country has spent hundreds of thousands on legal fees and law firms like Mr. Smiths firm and should not be excused base on not understand its legal requirements as a Defector Utility and the punishment that goes along with violating commission orders.

8. The Court has upheld the well lease obligations to the Dansie's and the HOA/Water company has failed to provide the obligations under the agreement and orders of the Court of appeals even after man requests and demands from the Dansie's. There are no stays of the order of the court of appeals and its time that the Corporation Hi-Country Estates begin providing the obligations of the well lease as ordered by the Court of Appeals (Copys of the orders were provided as exhibits in the June 15, 2012 hearings and accepted as exhibits by the ALJ.

9. It is here by requested and motioned that the PSC require that the Utility HI-Country as a utility begin providing water and following the orders, and opinions of the court of appeals. The Commission should order the utility to begin providing the water as per the order of the Court of Appeals order.

10. The P. S. C. should exempt the well lease agreement and its obligations to the Dansie's from any future Rate Hearings or Cases that may become before the commission since the Ownership issues and well lease agreement issues have been decided by District Court and Sustained by the latest Court of Appeals decision . The ownership and validity of the well lease have been decided by district court and are beyond the jurisdiction of the PSC. There are no stays of the Court of Appeals orders and the P. S. C. has taken jurisdiction of H- Country Estates HOA/ Water Co however they have not (Not determined Other wise) as is in the court of appeals order. This request is to get the water and obligations to the Dansies flowing or the utility ordered to take action to meet the obligations of the well lease agreement.

11 There is one other matter that the commission should review and address and that is ownership of HI-Country HoA faculties used to provide water service to the public and its customers. There needs to a review of ownership orders, agreements and easement agreements to provide service beyond Hi-Country Estates Phase 1 foundries based on ownership of pipelines and easements and facilities to provide service and for tax valuations of the water utility assets used to provide service to its customers.

This letter and request is being made to the Public Service Commission on this 30, day of august 2012

CERTIFICATE OF

SERVICE

I HEREBY CERTIFY THAT ON THE 30 DAY OF AUGUST 2012 A TRUE AND CORRECT COPY OF THE FOREGOING (REQUEST TO REVIEW THE 1996 ORDER OF THE COMMISSION AND 11 OTHER ISSUES IN THE LETTER OF REQUEST) WAS SERVED UPON THE FOLLOWING AS INDICATED BELOW :

BY ELECTRONIC MAIL:

JJ.CRAIG SMITH (jcsmith@smithlawonline.com)
Smith Hartvigsen PLLC

Patrica Schmid(pschmid@utah.gov)
Office of The Attorney General

Shauna Bevegnu-Springer (sbenegn@utah.gov)

vis u.s. mail to
Dennis Miller -Legal Assistant
(dennis_miller@utah.gov)
Division of Public Utilities
Heber M. Wells Building 4th floor
160 East 300South, Box 146751
Salt Lake City, Utah 84114-6751

Public Service Commission
160 East 300 South
Heber M. Wells Building 4 th floor
Salt Lake City, Utah 84114-6751

J. Rodney

Dansie _____

8/30/2012

Dennis Miller (dennismiller@utah.gov)
dpudatarequest@utah.gov

J. Rodney Dansie _____