

DOCKETED

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Decertification  
of HI-COUNTRY HOMEOWNERS PHASE I  
WATER COMPANY,  
Respondent

DOCKET NO. 95-2195-01

REPORT AND ORDER  
Certificate No. 2737

ISSUED: February 5, 1996

SYNOPSIS

Respondent was organized as a nonprofit, mutual water company; although it serves some non-members under contract, it does not offer service to the public at large; consequently, we conclude it is exempt from our jurisdiction under § 54-2-2 (29), UCA 1953, as amended. We therefore cancel Respondent's authority.

Appearances:

Laurie L. Noda, Assistant  
Attorney General For

Division of Public Util-  
ities, Utah Department of  
Commerce

By the Commission:

PROCEDURAL HISTORY

Pursuant to notice duly served, this matter came on regularly for hearing the twenty-second day of January, 1996. Evidence was offered and received, and the Administrative Law Judge, having been fully advised in the premises, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Respondent is organized as a nonprofit corporation providing service to its members.
2. Respondent serves a limited number of nonmembers pursuant to specific contracts; however, it does not offer its

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service to the public generally.

- 3. Respondent wishes Commission assistance in closing its books for 1995 to ensure that its bookkeeping system is set up appropriately for a water company; consequently it wishes to defer finalization of decertification pending the outcome of an audit by the Division of Public Utilities.

CONCLUSIONS OF LAW

Respondent is outside our jurisdiction as established under § 54-2-2(29); consequently, Respondent's Certificate of Convenience and Necessity should be canceled. To accommodate Respondent's desire to ensure that it begins life as an unregulated entity with a proper bookkeeping system, the decertification order should be interlocutory pending the outcome of an audit by the Division of Public Utilities.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that;

Certificate of Convenience and Necessity No. 2737, issued to HI-COUNTRY ESTATES PHASE I WATER COMPANY, be, and it is, canceled and annulled, effective SIXTY (60) DAYS from the date of this Order, unless, during said interim, based on an audit of said company's books, the Division of Public Utilities recommends a stay.

Any person aggrieved by this Order may petition the

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Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 5th day of February, 1996.

A. Robert Thurman  
A. Robert Thurman  
Administrative Law Judge

Approved and Confirmed this 5th day of February, 1996, as the Report and Order of the Public Service Commission of Utah.

Stephen F. Meckham  
Stephen F. Meckham, Chairman

Constance B. White  
Constance B. White, Commissioner

Clark D. Jones  
Clark D. Jones, Commissioner

Attest:

Julie Orchard  
Julie Orchard  
Commission Secretary