

**Durfee Creek, Inc., Association
6714 North Durfee Creek Road
Liberty, UT 84310**

Via U.S. Mail & Electronic Mail

March 23, 2012

Utah Public Service Commission
Heber M. Wells Building
160 East 300 South
Salt Lake City, UT, 84114

To Whom It May Concern:

Durfee Creek, Inc., Association (“Association”) is a Utah not-for-profit corporation, and Community Association which owns and operates a private wastewater disposal system for the sole benefit of its members who are also the lot owners in Durfee Creek Estates Subdivision. No services have ever been provided to the public nor is the system designed, constructed or permitted to provide such services outside of the subdivision.

This wastewater disposal system is currently regulated as a public utility (“sewer only”) listed under the name, Durfee Creek Homeowners Association Inc.

The Association believes Utah Code Title 54-2-1 (22)(b) specifically excludes this private system from regulation as a public utility.

As such, the Association’s Board of Directors respectfully requests that the Public Service Commission eliminate any Certificate of Convenience and Necessity previously issued or otherwise exempt this private system from its jurisdiction.

Sincerely,

Barry Swartz
Secretary - Treasurer