



State of Utah
Department of Commerce
Division of Public Utilities

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MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Bill Duncan, Telecommunications / Water Manager
Ron Slusher, Utility Technical Consultant

Date: April 24, 2012

Re: In the Matter of Durfee Creek, Inc., Association's Request to Cancel Certificate of Public Convenience and Necessity (CPCN) No. 2728, Docket No. 12-2194-12.

RECOMMENDATION: (Approval of Exemption)

The Division of Public Utilities recommends that the Public Service Commission Approve Durfee Creek, Inc., Association's application for exemption from regulation.

EXPLANATION:

On March 23, 2012, Durfee Creek, Inc., Association ("Durfee") submitted an application requesting that their Certificate of Convenience and Necessity ("CPCN"), certificate number 2728, be cancelled and they be granted exemption for the Public Service Commission's ("Commission") jurisdiction. The Division of Public Utilities ("Division") has reviewed their application and found the following.

Durfee was issued a CPCN on February 02, 1994, docket number 94-2197-01. The CPCN was issued to both the water and wastewater utility companies at the time. On May 06, 2010, Durfee transferred all water company assets to Liberty Pipeline, an exempt water company certificate number 206, and requested that the CPCN be cancelled. The Commission granted this request on May 26, 2010.

Currently Durfee operates as a not-for-profit corporation, wastewater utility, which provides services only to members within the Durfee Creek Estates Subdivision.

After review of Durfee application for exemption and review of Utah Code 54-4-1.1 "General Jurisdiction" – definition under – Private Business and Utah Code 54-2-1 (22)(b) the Division recommends that the Commission approve the request by Durfee for an exemption from regulation.

cc: Barry Swartz, Secretary-Treasurer, Durfee Creek, Inc., Association
Patricia Schmid, Attorney, State of Utah
Eric Orton, Utility Analyst, Office of Consumer Services, State of Utah