



GARY HERBERT.
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THOMAS BRADY
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

MEMORANDUM

TO: Public Service Commission

FROM: Division of Public Utilities
Chris Parker, Division Director
William Duncan, Telecom and Water Manager
Mark Long, Utility Analyst
Marialie Martinez, Customer Service Manager

DATE: October 21, 2013

RE: 13-2477-01 – In the matter of Formal Complaint of Terrace K. and Lisa G. Orr vs. Eagles Landing Water Company LLC

Recommendation: Schedule a hearing

Complaint Analysis:

On August 15, 2013, the Division of Public Utilities (Division) received and processed Mr. and Mrs. Orr's (Complainants) informal complaint against Eagle's Landing Water Company LLC (Company).

The complainants purchased Eagle's Landing Lot 62. The purchase agreement indicated that all utility lines were ready to go should the complainants decide to start building. In 2012, the complainants contacted Blue Stakes because they were unable to locate the water manhole cover. In June of 2013, the complainants went back to the property with a metal detector should the water cover be buried under the dirt. The complainants and the neighbors who came out to help were again unsuccessful in locating the manhole cover.

In August of 2013, the complainants made inquiries at several different Utah County offices to enquire about whom and where they should go to request for someone to come out their lot and locate and mark where the water line is. The complainants added that during those inquiries, they made it clear that they do not intend to build until the spring of 2014 and will not need to hook up in the water system yet. The complainants only needed to know where the water pipes are

located as it is a requirement when applying for a building permit. According to the complainants, all of the Utah County offices they spoke with stated that the water company is the one responsible for marking the water line.

On August 5th, the complainants called the company and spoke with Mr. Olsen, President of the company. The complainants requested that the water connection area be marked. The complainants were told to pay a fee of **\$5000** before the connection can take place. The complainants explained to Mr. Olsen that they did not want the water connected yet. They told Mr. Olsen that they only wanted to know where the pipe ran and where the connection would be on their property. The complainants stated that Mr. Olsen would not mark the water line unless they sent him the **\$5000** check at the address he provided.

The complainants later contacted the Utah Division of Public Utilities (Division) and received a copy of the company's tariff. The company's tariff indicates that the one-time fee for getting service to property line is **\$4000**, not the **\$5000** that Mr. Olsen is requiring them to pay.

Company Response:

The company was sent follow up emails to respond to the complaint but failed to comply with the UT Public Service Commission Rule R746-200-8 Informal Review Process. Due to the company's failure to comply, the complainants were advised to move forward and submit their formal complaint with the Commission.

Division Review and Recommendation:

Based on the Division's review of the Company's Tariff Schedule of Rates, Rules and Regulations, the Company is clearly not in compliance of its Commission approved tariff. The Division, therefore recommends that a hearing be scheduled. While the question of the appropriate connection fee is within the Commission's purview, whether and to what extent the Commission may compel marking of the facilities in accordance with relevant Utah Law should be considered as well.