

DAMMERON VALLEY WATER WORKS, LLC

Application for Public Service Commission Regulation or Exemption for Water and Wastewater Companies

Enclosed is an application designed by the Division of Public Utilities (DPU) intended to assist an applicant in determining if a water system qualifies as a public utility and is subject to regulation by the Utah Public Service Commission (PSC) and in providing the appropriate information to the PSC.

In the regulation of water companies, the PSC can issue one of two different designations. The first is a Certificate of Public Convenience and Necessity (CPCN). This is required for any public utility providing service to the public generally. A company with this designation would be regulated by the Public Service Commission. The second designation is a Letter of Exemption (LOE). This is provided to non-profit companies serving its members only such as a Home Owners Association (HOA) and mutually owned water companies. Companies that meet the criteria for this category are exempt from PSC regulation and are considered to be self-governing through their Boards of Directors.

Below is a list of governing rules that will help provide guidance in filing an application with the Public Service Commission. This list is not a complete list of rules that a company may need when applying for a CPCN or LOE.

Utah Code: [54-2-1](#) < Use Ctrl+Click to follow link >

Definitions (19) (a). The PSC has jurisdiction to regulate all public utilities, including "... water corporations [and] sewerage corporations ... where the service is performed for, or the commodity delivered to, the public generally..."

Utah Code: [54-4-25](#) < Use Ctrl+Click to follow link >

Certificate of convenience and necessity prerequisite to construction and operation.

Utah Code: [54-4a-6](#) < Use Ctrl+Click to follow link >

Objectives of Commission

Utah Administrative Rule: [R746-330](#) < Use Ctrl+Click to follow link >

Rules for Water and Sewer Utilities Operating in Utah.

Utah Administrative Rule: [R746-332](#) < Use Ctrl+Click to follow link >

Depreciation Rates for Water Utilities.

Utah Administrative Rule: [R746-401](#) < Use Ctrl+Click to follow link >

Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets.

Utah Administrative Rule: [R746-405](#) < Use Ctrl+Click to follow link >

Filing of Tariffs (Including Format and Construction requirements.)

Legal name of applicant (company name): Dammeron Valley Water Works, LLC



Questionnaire

Please fill out the following questionnaire to assist you in determining if you are subject to PSC regulation. *(Please check only one for each question.)*

Q1. Is this company providing water to anyone other than the owner (2 houses or more)?:

Yes

If “**Yes**” then please provide the information requested in **Section A**, and continue to **Question Q2**.

No

If “**No**”: then this company or water distribution system is not subject to PSC regulation. You are not required to register with the PSC as this time. If you circumstances change you may be required to register with the PSC at a later time.

Q2. Is the company a non-profit serving its members only such as a HOA and mutually owned water companies?

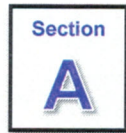
Yes

If “**Yes**” then this company appears to meet the criteria to be exempt from PSC regulation and is considered to be self-governing through their Boards of Directors. Please continue to **Section C** and fill out the “**Application**.”

No

If “**No**” then this company meets the criteria requiring it to be regulated by the PSC. In addition to providing the information in **Section A**, Please also provide the information requested in **Section B**, and then continue to **Section C** and fill out the “**Application**.”

Legal name of applicant (company name): Dammeron Valley Water Works, LLC



Items to be included with this application for ALL applicants, both regulated and exempt.

The following documentation **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

- A copy of your Business License verifying proof of authority to conduct business in Utah. **N/A DVWW is located in a county. Business License not issued.**
- Verification of the review and approval of the water system by the Division of Drinking Water. **See Rate Case Application.**
- Certified copy of the articles of incorporation and by-laws. (Whatever restrictions there are in use of water on an annual basis should be explained in by-laws, restrictive covenants and protective covenants.)
- Proof of ownership of water rights, in the name of the company sufficient to provide the water promised to each customer. (Water rights must be held by the water company for the use of the shareholders or customers of the company. Water rights must stay with the water company in the event a lot is sold rather than with the lot owner.) **See Rate Case Application.**
- Proof of ownership of sufficient water storage. **See Rate Case Application.**
- Proof of ownership of an approved water source with sufficient water flow. **See Rate Case Application.**
- A balance sheet for the water company. **See Rate Case Application.**
- An historical operating statement if the water company is already operating, a projected statement if not yet operating. **See Rate Case Application.**
- All phases of a proposed development should be identified in the application whether they are to be developed immediately or not. Otherwise an additional application may be required for each additional phase before the Public Service commission will give plan approval.
- Maps (8 1/2" by 11") showing location of water system relative to nearby towns and highways and the proposed platted subdivision.

The above list covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.

Legal name of applicant (company name): Dammeron Valley Water Works, LLC

Section
B

Additional items to be included with this application for applicants applying for authority to operate as a regulated public utility.

The following documentation **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

1

A Proposed TARIFF

Proposed tariff should include proposed rates and service rules and regulations. Applicant's tariff must comply with the format, construction and elements as set forth in Utah Administrative Rule : R746-405 < Use Ctrl+Click to follow link > [On File with PSC](#)

2

Rates

For item 2, please select one of the following regarding rates and provide the information requested.

Proposed rates will cover the entire cost of service.

Please provide calculations to show that the proposed rates are reasonable based upon actual cost of service. [See Rate Case Application](#)

OR

Developer agrees to subsidize costs.

A statement that the proposed rates are less than the full cost of service but that the developer will subsidize such rates until the system has enough customers on line to operate and cover costs at the proposed rates.

3

A balance sheet for the developer.

If the water company is to be, or was, constructed by a developer please provide a personal balance sheet for the developer to ensure that funds are available for the operations of the water company.

[See Rate Case Application.](#)

The above list covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.



Application

The following information **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

1. Legal name of applicant (company name): Dammeron Valley Water Works, LLC

2. Principal office address, phone number and email address:

Address: 1 Dammeron Valley Drive East

Address: _____

City: Dammeron Valley State: UT ZIP: 84783

Phone No.: (435) 574-2295 Email address: water@dammeronvalley.com

3. Name of the state in which applicant is incorporated and date of incorporation

Name of State: _____ Date of Incorporation: _____

(A certified copy of the Articles of Incorporation and By-laws should accompany this application).

If not incorporated, describe the type of organization and state in which it is organized.

Limited Liability Company
Utah

4. The officers and directors (or partners) of applicant are as follows:

Name	Title	Phone #	Email
Brooks Pace	Manager	(435) 680-2295	brooks@dammeronvalley.com
Matt Pace	System Operator	(435) 680-1948	dammeroncorp@gmail.com
Lisa Chauvin	Office Manager	(435) 574-2295	water@dammeronvalley.com

5. The type of service (water, sewer or both) which applicant proposes to render is:
(Please check the services that apply.)

Water Only Sewer Only Both Water and Sewer

6. If the applicant is conducting operations at the present time, please enter the date applicant commenced rendering such service: 01/01/1976

7. How Many Connections will the company serve and type (residential / commercial)?

Residential Customers: 1,120

Commercial Customers: 3

Total Number of Customers: 1,123

8. The names of any water companies that are providing (or proposing to provide) similar service near or in any part of the area covered by this applicant are as follows:

None

Section

D

Applicant Must Sign and Date below:

I certify that to the best of my knowledge the above information is true, accurate and complete. I am in compliance with and agree to comply with all regulations and requirements of all State and local government agencies.

Legal name of applicant (company name): Dammeron Valley Water Works, LLC

Sign Here: 

Brooks Pace

Date: 2-9-15

Your Name: Brooks Pace Title: Manager

(Please enter electronically or print clearly)

This Application covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.

If you have any questions regarding the information the Division is requesting, please feel free to contact us at (800) 874-0904 or (801) 530-7622.

Please mail **six (6)** completed copies of the application and one electronic copy (**compact disc**) and necessary paperwork to:

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

(A \$100.00 filing fee must accompany this application. If applying for an EXEMPTION the \$100 fee is waived.)

Please Note:

A complete application includes all pages of the application (you may omit the first page that contains the laws and rules), all requested documentation and an original signature on the signature page.

Electronic copies should include all files in their native formats. For example, all spreadsheets should be in their original EXCEL format and documents should be in their original WORD format. Files formatted as Adobe PDF are acceptable to use for documents that must be copied or scanned from an original source.

Department of Commerce
Division of Corporations and Commercial Code
I hereby certified that the foregoing has been filed
and approved on this 20 day of SEP 20 10
in this office of this Division and hereby issued
This Certificate therefor.

Examiner: REB Date: 9/23/10



Kathy Berg
Kathy Berg
Division Director

RECEIVED

SEP 20 2010

Utah Div. Of Corp. & Comm. Code



ARTICLES OF ORGANIZATION

OF

DAMMERON VALLEY WATER WORKS, LLC

The undersigned, as Manager, hereby organizes and establishes a limited liability company pursuant to the provisions of the Utah Revised Limited Liability Company Act, Title 48, Chapter 2c, Utah Code Ann. (1953, as amended), and adopts the following articles of organization:

1. Name. The name of the limited liability company is:

Dammeron Valley Water Works, LLC

2. Period of Duration. The period of duration of the company shall be fifty (50) years from the date these Articles of Organization are filed with the Division of Corporations and Commercial Code of the Utah Department of Commerce, unless the company is earlier dissolved as provided in the operating agreement of the company.

3. Business Purposes. The company is organized for the following business purposes:

a. To engage in the business of owning and operating a water utility and any and all activities related or incidental thereto; and

b. To engage in all other lawful businesses permitted under the Utah Limited Liability Company Act, as authorized by all of the members.

4. Registered Agent. The street address of the registered office of the company in the State of Utah and the name of its initial registered agent at that address is:

Nicola B. Pace
1488 Maze Circle
Dammeron Valley, Utah 84783

778 7072


09-20-10 P05:05 RCVD

Date: 09/20/2010
Receipt Number: 3318209
Amount Paid: \$70.00

5. Management. The company shall be manager-managed. The name and address of the initial manager of the company is:

Nicola B. Pace
1488 Maze Circle
Dammeron Valley, Utah 84783

Dated this 20 day of September, 2010.



Nicola B. Pace, Manager



Francine Giani
Executive Director
Department of Commerce

Gary Herbert
Governor
State of Utah

Kathy Berg
Director
Division of Corporations
& Commercial Code

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF CORPORATIONS & COMMERCIAL CODE
CERTIFICATE OF REGISTRATION

NICOLA B PACE
DAMMERON VALLEY WATER WORKS, LLC
1488 MAZE CIR
DAMMERON VALLEY UT 84783

Access Code
Code: 4733967



State of Utah
Department of Commerce
Division of Corporations & Commercial Code

CERTIFICATE OF REGISTRATION

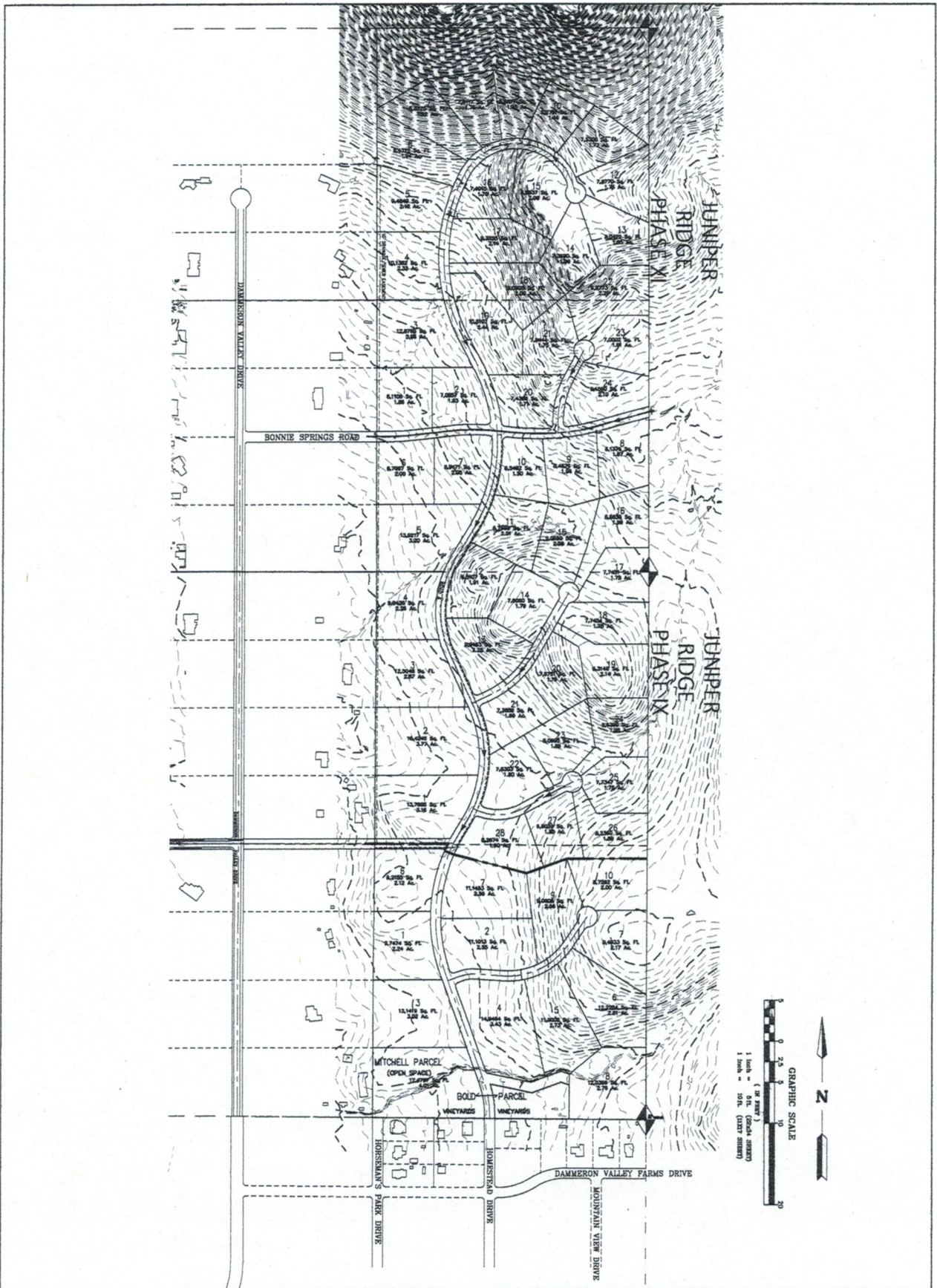
LLC - Domestic

This certifies that **DAMMERON VALLEY WATER WORKS, LLC** has been filed and approved on **September 20, 2010** and has been issued the registration number **7787072-0160** in the office of the Division and hereby issues this Certification thereof.

KATHY BERG
Division Director


*The Access Code is used for Online Applications used by this Division only.

PARCEL 1



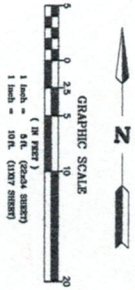
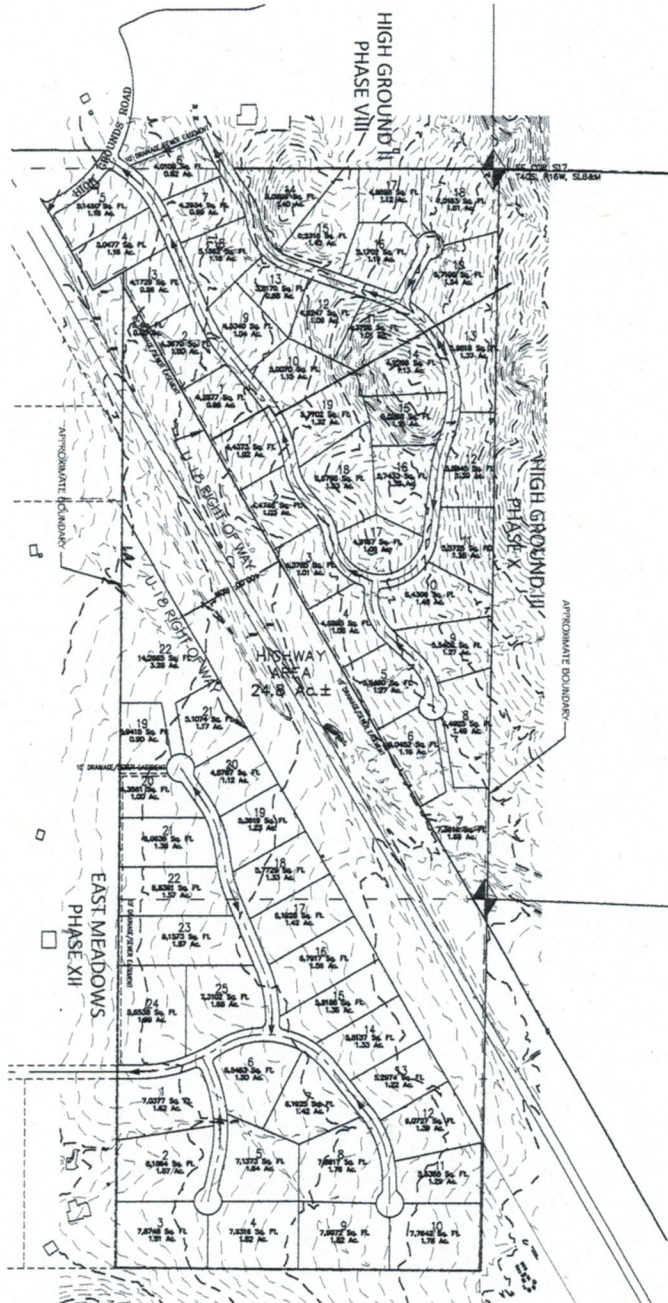
NO.	DATE	BY	DESCRIPTION
1	JAN 17, 2014	AS NOTED	

AREA 1
CONCEPTUAL LAYOUT
DAMMERON CORP, DAMMERON VALLEY
WASHINGTON COUNTY, UTAH


ALPHA ENGINEERING
 43 South 100 East, Suite 100 • St. George, Utah 84770
 T: 435.628.6500 • F: 435.628.9593 • alphaengineering.com

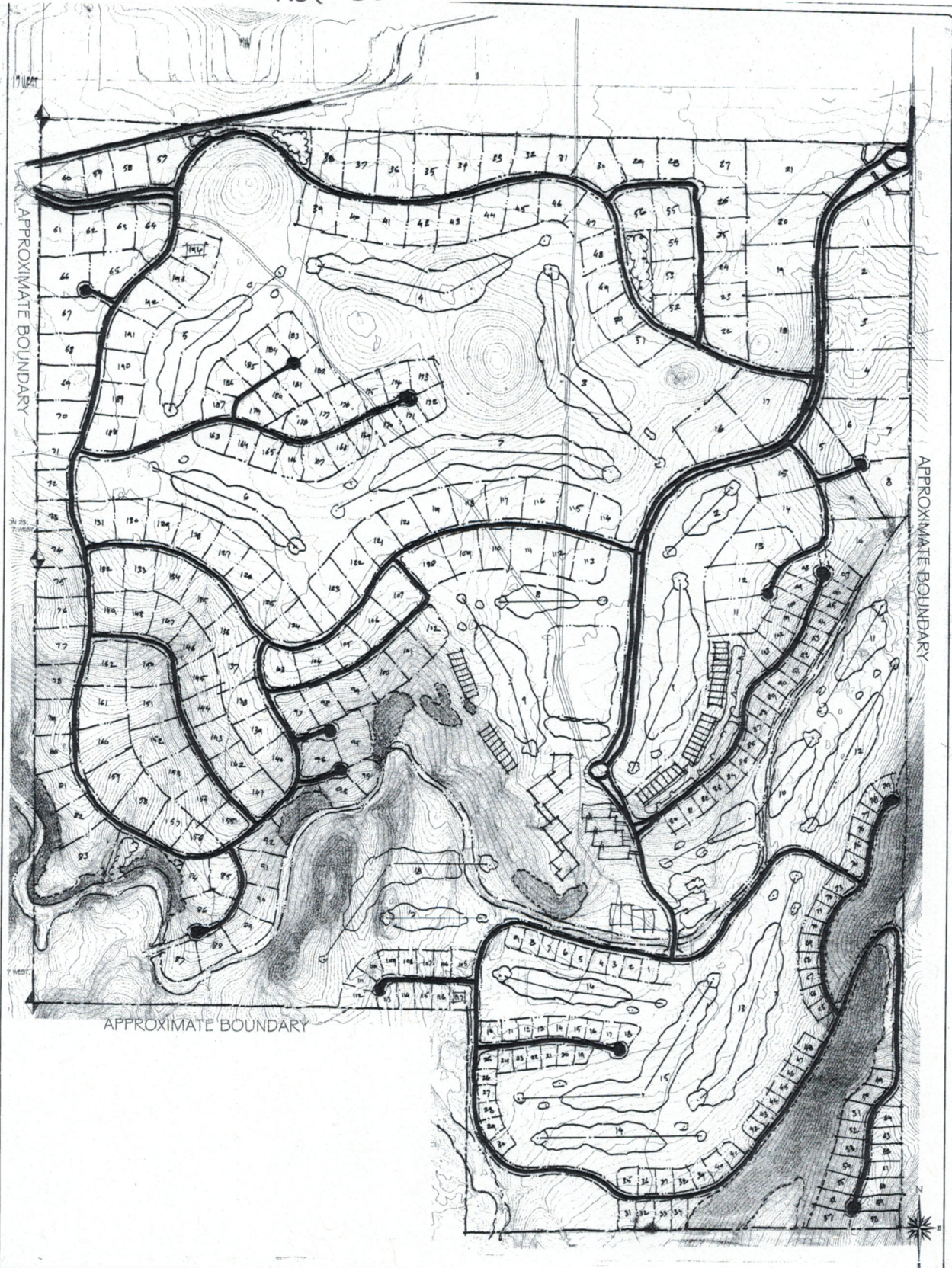
NO.	DATE	BY	DESCRIPTION

PANCI 2



2 2024	AREA 2 CONCEPTUAL LAYOUT DAMMERON CORP, DAMMERON VALLEY WASHINGTON COUNTY, UTAH	ALPHA ENGINEERING 43 South 100 East, Suite 100 - St George, Utah 84770 T: 435.628.6500 - F: 435.628.0553 - alphaengineer@ing.com	NO. DATE BY DESCRIPTION REVISIONS
	DATE: JAN 17, 2014 DRAWN BY: MANDIE	PROJECT NO: 001-018 SHEET NO: 001	NO. DATE BY DESCRIPTION REVISIONS

Sand Cove Parcel





43 South 100 East, Suite 100 T 435.628.6500
St George, Utah 84770 F 435.628.6553

alphaengineering.com

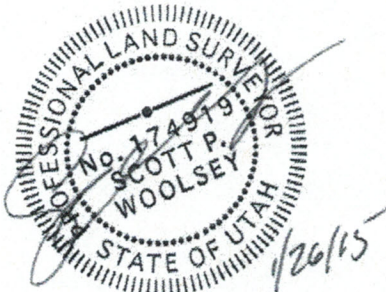


EXHIBIT "A"

SITLA & SAND COVE PARCEL DESCRIPTIONS (January 26, 2015)

SITLA PARCEL #1

The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (NE1/4SE1/4); The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (SE1/4SE1/4) of Section 8; The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (NE1/4NE1/4); The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (SE1/4NE1/4, of Section 17, Township 40 South, Range 16 West, Salt Lake Base and Meridian.
(Containing: 162.5+- Acres).

SITLA PARCEL #2

The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ (E1/2NE1/4); The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (NE1/4SE1/4) of Section 20, Township 40 South, Range 16 West, Salt Lake Base and Meridian.
(Containing: 97.5+- Net Acres).

SITLA PARCEL #3

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ (SW1/4SW1/4); The Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ (SE1/4SW1/4) of Section 8; The Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (NW1/4NW1/4); The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (NE1/4NW1/4) of Section 17, Township 40 South, Range 16 West, Salt Lake Base and Meridian.
(Containing: 143+- Net Acres).

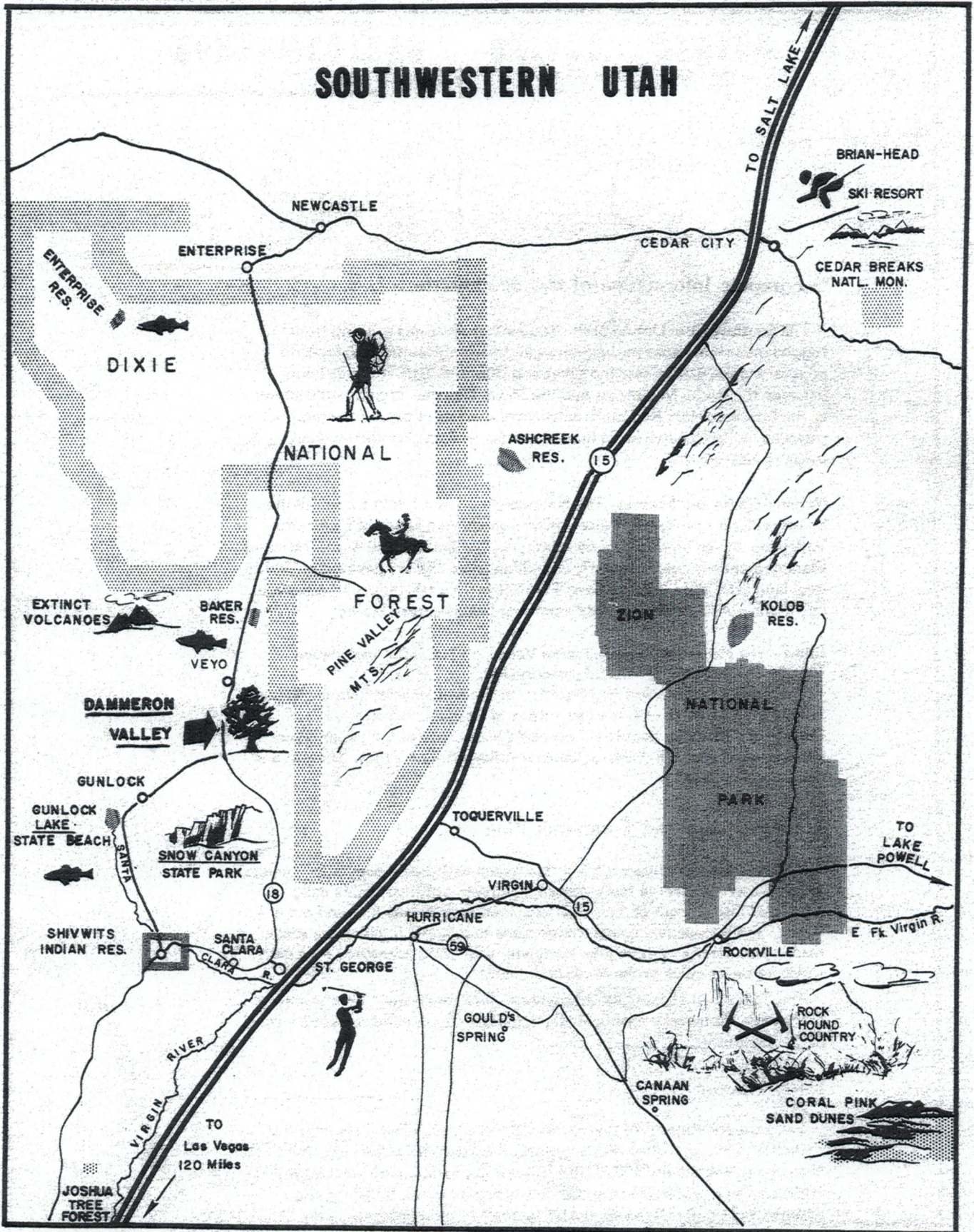
SITLA PARCEL #4

The Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ (SW1/4NW1/4); The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ (NW1/4SW1/4) of Section 17; The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ (NE1/4SE1/4) of Section 18, Township 40 South, Range 16 West, Salt Lake Base and Meridian.
(Containing: 121+- Net Acres).

SAND COVE PARCEL

All of Section 25, together with the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 40 South, Range 17 West, Salt Lake Base and Meridian.
(Containing: 716.6+- Acres).

SOUTHWESTERN UTAH



DIXIE

NATIONAL

FOREST

PINE VALLEY
MTS

NATIONAL

PARK

ST. GEORGE

HURRICANE

TOQUERVILLE

VIRGIN

ROCKVILLE

GOULD'S
SPRING

CANAAN
SPRING

ROCK
HOUND
COUNTRY

CORAL PINK
SAND DUNES

DAMMERON
VALLEY

SNOW CANYON
STATE PARK

GUNLOCK
STATE BEACH

SHIVWITS
INDIAN RES.

SANTA
CLARA

JOSHUA
TREE
FOREST

TO
Las Vegas
120 Miles

TO SALT LAKE

TO LAKE
POWELL

E Fk Virgin R.

BRIAN-HEAD
SKI RESORT

CEDAR BREAKS
NATL. MON.

ASHCREEK
RES.

KOLOB
RES.

ZION

NEWCASTLE

ENTERPRISE

CEDAR CITY

ENTERPRISE
RES.

EXTINCT
VOLCANOES

BAKER
RES.

VEYO

GUNLOCK

59

15

18

15