

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application for a Certificate of Convenience and Necessity to Operate as a Public Utility Rendering Water Service of SOUTH DUCHESNE CULINARY WATER, INC. Applicant)
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DOCKET NO. 01-2372-01
REPORT AND ORDER
Certificate No. 2372

ISSUED: December 18, 2001

SYNOPSIS

Applicant having demonstrated its fitness to serve, and no opposition to the application appearing, we grant the certificate.

By the Commission:

PROCEDURAL HISTORY

The instant application for water utility authority was filed June 27, 2001. Since no other provider operates in the proposed service area, and no customers are being served by the system, the matter appears ripe for adjudication without hearing; accordingly we choose to convert the matter to an informal proceeding. The Commission, 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. Applicant is a Utah-domiciled corporation in good standing with the applicable law. It proposes to serve a new subdivision known as Utah Mini Ranches being developed by Highland Development, Inc.(hereafter "the Developer").
2. The utility plant currently in place meets the requirements of the Utah Department of Environmental Quality for up to 75 connections. The applicant owns, or will own by the time this Order is issued, sufficient water rights to meet the requirements of local authorities.
3. Title to all plant has been transferred to Applicant. All other developer expenses are to be recouped through lot sales.
4. The Division of Public Utilities, Utah Department of Commerce, recommends we find the proposed initial rates and charges just and reasonable, and we so find.

CONCLUSIONS OF LAW

Applicant has sustained its prima facie burden of demonstrating need for the service and its own fitness to meet that need. Since there is no other entity capable of serving the proposed service area, and there are no present customers, potential meritorious protest appears improbable to the vanishing point. A hearing thus appears superfluous. Accordingly, the matter should be converted to an informal proceeding, and the Application should be granted. DPU recommended the approval be limited to 75 connections. In order to ensure that service remains adequate we impose that limitation.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

- This matter be, and it hereby is, converted to an informal proceeding pursuant to §§ 63-46b-4 and 63-46b-5, UCA 1953, as amended.
- SOUTH DUCHESNE CULINARY WATER, INC. be, and it hereby is, granted Certificate of Convenience and Necessity No. 2372 as follows:

To operate as a water corporation serving the following-described area: Utah Mini Ranches, Phases 1 through 5, according to the official plats thereof of record in the records of Duchesne County, state of Utah.

- Initially, service is limited to 75 connections to ensure that service remains adequate. Applicant may petition the Commission to expand this authority.
- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to such review as well as the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 18th day of December, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/Julie Orchard

Commission Secretary

G#27267