

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-----  
In the Matter of the Formal Complaint of )  
Hilda Stucki Investment Company vs. Pine )  
Valley Irrigation Company )  
-----

DOCKET NO. 06-2179-01

REPORT AND ORDER

ISSUED: June 27, 2006

By The Commission:

On April 19, 2006, Hilda Stucki Investment Company (“Complainant”) filed a formal complaint against Respondent Pine Valley Irrigation Company claiming Respondent had denied Complainant’s request for culinary water service to Complainant’s property located within Respondent’s service territory.

On May 4, 2006, the Division of Public Utilities (“Division”) filed a memorandum detailing its investigation of this matter and recommending the Commission require Respondent to provide culinary water service to Complainant’s property.

On May 8, 2006, the Commission issued a Notice of Hearing setting a hearing to convene on May 30, 2006. However, on May 23, 2006, Complainant filed a Request to Vacate Hearing indicating Respondent had acknowledged its obligation to provide culinary water to Complainant’s property. Complainant also requested this docket remain open pending actual connection of Complainant’s property to Respondent’s water system. On May 25, 2006, the Commission issued a Notice of Cancellation of Hearing canceling the May 30, 2006, hearing and stating this docket would remain open pending further information from the Complainant.

On June 26, 2006, Complainant notified the Commission by email that re-zoning the subject property would take approximately four to six months, with construction of the subdivision to be served by Respondent commencing in the Spring of 2007.

Given this time frame, as well as indications that Respondent has agreed to serve Complainant's property, it is reasonable that we dismiss this matter as there appears no current controversy requiring Commission action. We are mindful that a dispute may arise between the parties once Complainant notifies Respondent that it is prepared to connect to Respondent's system. Should such a dispute occur, either party remains free to file a complaint or petition with the Commission as circumstances dictate.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The complaint filed herein is dismissed.

Pursuant to Utah Code §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DOCKET NO. 06-2179-01

- 3 -

DATED at Salt Lake City, Utah, this 27<sup>th</sup> day of June, 2006.

/s/ Steven F. Goodwill  
Administrative Law Judge

Approved and Confirmed this 27<sup>th</sup> day of June, 2006, as the Report and Order of  
the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#49523