

3 and 4 contain 88 and 102 lots, respectively, and are located in sections 9, 15, 16, 21, and 22 in T38S, R6W, SLB&M, as indicated in Exhibit D attached to the Request.

The Division notes Elk Ridge has sufficient facilities to connect to the additional territory and has sufficient water rights to provide water to it. The Division believes extending the service area to include Units 3 and 4 would cause no detriment to existing Elk Ridge customers and would not impact current approved rates. There is no other water utility nearby that could serve this adjacent property.

Utah Administrative Code Rule 746-110-1, authorizes the Commission to adjudicate a matter informally under *Utah Code Annotated* § 63-46b-5 when the Commission “determines that the matter can reasonably be expected to be unopposed and uncontested.” There appearing no reasonable expectation of opposition to Elk Ridge’s Request, we determine to proceed informally without hearing.

Based upon the evidence of record and the Division’s recommendation, we find and conclude that the proposed expansion of service territory will not harm and can provide benefits to the customers of Elk Ridge, and is in the public interest. Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

1. Converting this matter to an informal proceeding pursuant to §63-46b-4(3), UCA 1953, as amended.

DOCKET NO. 06-2192-01

-3-

2. Tentatively approving the request of Elk Ridge Estates Water Company to expand its service territory to include Elk Ridge Estates Unit Nos. 3 and 4, more particularly described *supra*, and modifying its Certificate of Public Convenience and Necessity accordingly.

3. Absent meritorious protest, this Order shall automatically become effective without further action twenty (20) days from the date of this Order.

4. Persons desiring to protest this Order may file said protest prior to the effective date of this Order. If the Commission finds said protest to be meritorious, the effective date shall be suspended pending further proceedings.

Pursuant to *Utah Code Annotated* §§ 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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 18th day of May, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

DOCKET NO. 06-2192-01

-4-

Approved and Confirmed this 18th day of May, 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#49018