

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Investigation of Lake)
Mountain Mutual Water Company to) DOCKET NO. 06-2256-01
Discontinue Certificate of Public) REPORT AND ORDER CANCELING
Convenience and Necessity) CERTIFICATE
)

ISSUED: June 26, 2006

SYNOPSIS

Petitioner having notified the Commission that it has been sold to a municipality and having requested to be excused from all future reporting requirements, and no detriment to the public interest appearing, the Commission cancelled Petitioner's certificate.

By The Commission:

PROCEDURAL HISTORY, DISCUSSION, AND FINDINGS

On June 1, 2006, Petitioner Lake Mountain Mutual Water Company filed a memorandum with the Division of Public Utilities ("Division") notifying the Division that Petitioner had sold all of its assets to the City of Saratoga Springs, Utah. Because Petitioner had effectively ceased independent operations, Petitioner requested to be excused from all future public utility reporting requirements.

On June 14, 2006, the Division filed a memorandum recommending cancellation of Petitioner's Certificate of Public Convenience and Necessity ("Certificate") issued by the Commission on January 22, 1999, in Docket No. 98-2256-01. The Division notes its investigation confirms that Saratoga Springs has acquired all of Petitioner's assets and that, as municipal property, said assets should no longer be regulated by the Commission.

It is well established that this Commission does not regulate the provision of municipal utility services. The sale of Petitioner's assets and operations to the City of Saratoga Springs thus terminates Commission regulation of those assets and operations. Therefore, based on the foregoing information and no detriment to the public interest appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The Certificate of Public Convenience and Necessity, issued January 22, 1999, in Docket No. 98-2256-01, to Lake Mountain Mutual Water Company be, and it is, cancelled and annulled effective the date of this Order.
- 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.

DOCKET NO. 06-2256-01

-3-

DATED at Salt Lake City, Utah, this 26th day of June, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 26th 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#49505