

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Long Valley Estates)
Water Company's Request for Change of)
Service Territory)
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DOCKET NO. 06-2265-01

REPORT AND ORDER GRANTING
CHANGE OF SERVICE TERRITORY

SYNOPSIS

The Commission grants the request of Long Valley Estates Water Company to change its service territory by exchanging two specified lots currently within the service territory for two specified lots currently outside the service territory.

ISSUED: June 13, 2006

By The Commission:

PROCEDURAL HISTORY

On June 1, 2006, Long Valley Estates Water Company ("Long Valley Water") filed a memorandum requesting Commission approval of a change in the Long Valley Water service territory whereby lots A33 and F18 currently part of the Long Valley Water service territory would be removed from that territory and replaced by lots A31 and G9, all lots being located within the Long Valley Estates subdivision.

On June 5, 2006, the Division of Public Utilities ("Division") filed a memorandum recommending the Commission approve Long Valley Water's request. The Division notes the lots to be removed from the Long Valley Water service territory are owned by the developer of Long Valley Estates who is also the individual filing the request on behalf of Long Valley Water. The Division also notes there are no other water utilities in the vicinity capable of providing water service to the subject lots and approval of this request will not change the total number of lots being served by Long Valley Water.

DISCUSSION

By Report and Order issued on December 4, 2003, in Docket No. 03-2265-01, the Commission granted Long Valley Water's application for a Certificate of Public Convenience and Necessity and granted Long Valley Water Certificate No. 2265 authorizing it operate as a water corporation serving the Long Valley Ranch subdivision in Kane County, Utah, as specified in Exhibit H to Long Valley Water's application. On November 9, 2005, in Docket No. 05-2265-01, the Commission approved Long Valley Water's request to modify its service territory by exchanging then-certificated lots A34 and A35 with lots E19 and G21. The instant request would similarly result in exchanging certificated lots A33 and F18 with lots A31 and G9.

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 Long Valley Water'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 change of service territory will not harm and can provide benefits to the customers of Long Valley Water and residents of Long Valley Estates, 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. Tentatively approving the request of Long Valley Water Company to change its service territory as indicated *supra* and modifying its Certificate No. 2265 accordingly.
2. Absent meritorious protest, this Order shall automatically become effective without further action twenty (20) days from the date of this Order.
3. 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 13th day of June, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

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Approved and Confirmed this 13th 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#49366