

NOTICE OF
PROPOSED RULE REPEAL

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Public Service Commission - Administration
 Room no.:
 Building: HEBER M WELLS BLDG
 Street address 1: 160 E 300 S
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84111-2316
 Mailing address 1: PO BOX 45585
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84111-5585

Contact person(s):

| Name: | Phone: | Fax: | E-mail: |
|------------|--------------|--------------|----------------|
| Sandy Mooy | 801-530-6708 | 801-530-6796 | smooy@utah.gov |

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 33472 Date filed: 03/22/2010 04:35 PM
 State Admin Rule Filing Key: 149532
 Utah Admin. Code ref. (R no.): R 746 - 331 -

Title

2. Title of rule or section (catchline):
 Determination of Exemption of Mutual Water Corporation

Notice Type

3. Type of notice: Repeal

Rule Purpose

4. Purpose of the rule or reason for the change:
 The current rule addresses a process and criteria by which the Commission would determine whether a water company is or is not within the Commission's regulatory jurisdiction. Some of the criteria do not relate to statutory provisions. Application of the rule has caused some confusion in Commission supervision of water companies. Repeal of the rule and direct application of the statutory provisions is now viewed by the Commission as the better course to follow.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
 No

Rule Summary

6. Summary of the rule or change:
 Rule R746-331 will be repealed in its entirety.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

No costs or savings are anticipated. Resolution of whether a water company is or is not within the Commission's jurisdiction will continue to be made through review of material and application of statutory provisions to factual circumstances as has occurred in the past.

B) Local government:

Affected: No

No costs or savings will occur. The Commission has no regulatory authority over municipal water services provided by municipal utilities operated by local government entities.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

No additional costs or savings are anticipated. Water companies subject to Commission authority will continue to be regulated as in the past and water companies outside of the Commission's jurisdiction will remain outside the Commission's authority.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Water companies currently subject to the Commission's jurisdiction will remain so and will continue to be regulated in the same fashion as prior to the rule repeal. There should be no additional savings or costs as there will be no change in regulation.

Compliance Cost Information

8. Compliance costs for affected persons:

There will be no change in compliance costs. Determination of whether a water company is or is not subject to Commission authority will continue to be made, but upon the provisions of Title 54.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The current rule includes consideration of criteria which are not directly relevant to the consideration of whether an entity is or is not a public utility. Repeal of the rule will not have any fiscal impact upon those companies that are public utilities, nor those that are not public utilities.

B) Name and title of department head commenting on the fiscal impacts:

Ted Boyer, Chariman

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

54-2-1(16)

54-4-1

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:
Date Issued:
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

05/17/2010

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

05/24/2010

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

water company public utility

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Sandy Mooy Legal Counsel

Date (mm/dd/yyyy): 03/22/2010