

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of Integrated)
Water Management, LLC for a Declaratory) DOCKET NO. 11-999-08
Order) ORDER GRANTING INTERVENTION
) AND SPECIAL APPEARANCE
)

ISSUED: September 30, 2011

By The Commission:

On September 8, 2011, El Paso Midstream Investment Company, LLC (“El Paso”) petitioned for leave to intervene and to appear specially in the above-described and numbered matter.

Based upon the request and for good cause appearing, the Commission grants both the intervention and the request to appear specially.

Intervention:

Intervention is conditioned upon the intervenor’s representatives participating in this matter adhering to the Utah Standards of Professionalism and Civility adopted by the Utah Supreme Court on October 16, 2003. (These may be reviewed at internet web address <http://www.utcourts.gov/courts/sup/civility.htm> or a copy obtained by request made to the Commission.)

The Commission may condition intervenor participation in these proceedings based upon such factors as whether intervenor is directly and adversely impacted by issues raised in the proceedings; whether intervenor’s interests are adequately represented by another party; the number of persons seeking intervention or already intervened; and how intervenor’s participation will affect the just, orderly and prompt conduct of the proceedings.

Appearing Specially:

Section 63G-4-503 of the Utah Code Ann. provides that “[a]n agency may issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party, only if that person consents in writing to the determination of the matter by a declaratory proceeding.” Utah Code Ann. § 63G-4-503(3)(b) (2008). By its petition for leave to intervene and appear specially, El Paso states it does not consent in writing to a determination of this matter by declaratory order. Additionally, El Paso asserts that it is not a “[p]ublic utility” under Utah law, see Utah Code Ann. § 54-2-1(16)(a) (2010), and therefore it is not subject to the Commission’s jurisdiction. For these reasons, the Commission grants El Paso’s request to appear specially herein.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

Leave to intervene and appear specially is hereby granted to El Paso. Intervention is conditioned as set forth above.

DATED at Salt Lake City, Utah, this 30th day of September, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
D#210449

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of September, 2011, a true and correct copy of the foregoing ORDER GRANTING INTERVENTION AND SPECIAL APPEARANCE, was served upon the following as indicated below:

By U.S. Mail:

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