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DEPARTMENT OF COMMERCE

DIVISION OF PUBLIC UTILITIES

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October 24, 2002

TO: Utah Public Service Commission

FROM: Division of Public Utilities
Lowell Alt, Director
Wesley Huntsman, Manager

RE: Request for revised filing and hearing schedule in the Matter of the Petition for an Order to Show cause Regarding Exemption from Commission Regulation of Boulder King Ranch Estates Water Company, Docket No. 02-2254-01.

RECOMMENDATION:

The Division requests and recommends a revised filing schedule and hearing date in this case from those ordered by the Commission in its October 16, 2002 order. The Division has contacted Barry Clarkson, counsel representing Boulder King, who agreed with the following recommended schedule:

- December 20, 2002 - Division of Public Utilities file testimony and exhibits.
- February 7, 2002 - Boulder King Water Company file testimony and exhibits.
- February 14, 2002 - Division of Public Utilities file responsive testimony.
- February 18, 2002 - Hearings

EXPLANATION:

The Division needs to perform discovery and audit to prepare testimony addressing the issues as ordered by the Commission. Upon contacting Barry Clarkson, who represents Boulder King Estates Water Company, the Division found out that discovery will not be possible during November because Dale Clarkson has existing travel plans to be out of town from early November until the week of Thanksgiving. Therefore, the earliest possible Division discovery period would be the first week of December. The proposed revised schedule was agreed to by Barry Clarkson, and will allow the necessary discovery without upsetting existing plans and allow both parties adequate time to file testimony. Additionally, there is no detriment from the recommended schedule because the water company was ordered to continue billing at the current rates until a rate order is issued by the Commission.

cc: Barry Clarkson [by e-mail]