

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application for a Certificate of Convenience and Necessity to Operate as a Public Utility Rendering Service, or for an Exemption from PSC Regulation, for WOLF CREEK WATER CONSERVANCY)

DOCKET NO. 03-2417-01
PROCEDURAL AND SCHEDULING ORDER

ISSUED: July 19, 2004

By the Commission:

On June 22, 2004, the Commission issued its Report and Order (June Order or Order) issuing a certificate convenience and necessity to Wolf Creek Water Conservancy (Conservancy) to operate as a public utility providing secondary water service to the Wolf Creek Resort area. The Order established interim rates for the Conservancy, but kept the record open to provide parties additional time to submit matters in response to the Division of Public Utilities' (Division) rate recommendations which had been received by the parties only one day prior to the hearing in this matter. The Conservancy was given until July 2, 2004, to provide the Division additional information concerning its rate structure. The Division and other interested parties were to provide their responses and recommendations by July 16, 2004.

On June 29, 2004, the Conservancy, through its President, Steven Roberts, submitted a request for adjustment of Conservancy's interim rates with supporting documentation attached. Specifically, the Conservancy requested: (1) adjustment of the interim flat rate to permit imposition of fines for excessive water use; (2) approval of a stand-by fee for customers who had agreed pursuant to purchase of their property to pay such fees; (3) adjustment of interim rates for multi-family developments; and (4) adjustment of interim connection fees to differentiate between the Patio Springs, Eden Hills, and Eagle Ridge subdivisions. Although denominated as a formal appeal, because the record remains open there has been no final order in this case. This submission will therefore be adjudicated simply as a request to adjust the interim rates established by the June Order based on the additional information provided by the

Conservancy in compliance with that Order. The parties remain free to file requests for rehearing or review, if desired, when this docket is closed upon issuance of a final order.

On July 16, 2004, the Division provided its recommendation regarding Conservancy's June 29, 2004, submission. However, also on July 16, 2004, Edwin Barnes, attorney for several Conservancy customers party to this proceeding, notified the Commission that he had never received a copy of the Conservancy's submission. Because his clients had only recently learned of Conservancy's request, Mr. Barnes requested additional time to submit his clients' response.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The parties represented by Mr. Barnes shall have until July 30, 2004, to respond to Wolf Creek Water Conservancy's request for adjustment of interim rates and the information contained therein.
2. Further proceedings will be set as determined by the Administrative Law Judge.

DATED at Salt Lake City, Utah, this 19th day of July, 2004.

/s/ Steven F. Goodwill
Administrative Law Judge

Attest:

/s/ Julie Orchard
Commission Secretary

G#39422