

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Investigation of the)
Water System Operations of Bridge)
Hollow Water Association for)
Certification as a Public Utility or)
Exemption as a Mutual Water)
Company)

DOCKET NO. 04-2437-01

ORDER GRANTING MOTION TO COMPEL

ISSUED: July 14, 2005

By The Commission:

On May 11, 2005, interveners Lee R. and Sheila Brown (the “Browns”) filed a Motion to Compel Answers to Data Requests dated September 21, 2004, seeking Commission order compelling current and former Officers and Directors of Bridge Hollow Water Association (“Bridge Hollow”) to provide answers to the subject data requests. The Browns indicated they had attempted in good faith, both formally and informally, over a period of eight months, to obtain the information but that it had not been produced.

On May 16, 2005, Mr. John Tebbs sent a letter to Mr. Brown indicating that he is currently not an officer of Bridge Hollow but that he would be happy to provide “any and all” information deemed appropriate by the Commission and that his father, Mr. Clement Tebbs, would also be glad to furnish any information requested by counsel for the Division of Public Utilities (“Division”).

On May 25, 2005, the Division filed a memorandum indicating Mr. Duane Fluckiger, current Director of Bridge Hollow, has been very cooperative in providing requested information to the Division but that much of the necessary information is in the possession of the Tebbs family who previously managed Bridge Hollow. The Division recommended the Commission set a hearing to require the Tebbs to show why they are not obligated to comply with the Division’s request for information submitted in October 2004.

On June 3, 2005, the Commission issued a Procedural Notice and Notice of Technical and Scheduling Conference in which the Administrative Law Judge made clear that individuals with information relevant to these

proceedings are required to respond to data requests or other means of discovery submitted by parties to this docket. Cognizant of John Tebbs' May 16, 2005, letter to Mr. Brown, the Administrative Law Judge determined to take Mr. Tebbs at his word, indicating his expectation that all parties, including Mr. Tebbs, would respond to all data requests outstanding in this docket.

On June 8, 2005, Mr. Clement Tebbs sent a letter to Bridge Hollow requesting that Bridge Hollow provide him copies of various historical and current records relating primarily to Bridge Hollow's financial status in order for him to "intelligently evaluate our involvement with the water company, as well as answering some questions being posed to me by regulatory agencies and others,"

On June 13, 2005, Mr. Fluckiger responded to Mr. Tebbs, indicating current management possesses a complete accounting of Bridge Hollow records since March 1, 2003, but that much of the information Mr. Tebbs requested is the same information that was never received from Mr. Tebbs when management responsibilities passed from him to current management. On June 17, 2005, Mr. Fluckiger filed the June 8 and June 13 letters with the Commission.

On July 13, 2005, a Technical Conference was held before the Administrative Law Judge. Mr. Fluckiger appeared on behalf of Bridge Hollow. Mr. Brown appeared on his own behalf. Mr. John Fleming appeared on behalf of John and Clement Tebbs. The Division was represented by Patricia Schmid, Wes Huntsman, Kent Evans, and Bruce Moio. During the Technical Conference, the Administrative Law Judge learned that, despite the Commission's June 13 Notice, the Tebbs had failed to respond to the Browns' data requests.

Having reviewed the subject data requests, the Administrative Law Judge determines that the requested information is relevant to issues that may come before the Commission in this docket. Therefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters this ORDER granting the Brown's Motion to Compel. The current and former Officers and Directors of Bridge Hollow Water Association, including John and Clement Tebbs, shall have fifteen days from the date of this Order to respond to the Browns' data request, and to provide copies of said response to all other parties to this docket.

DATED at Salt Lake City, Utah, this 14th day of July, 2005.

/s/ Steven F. Goodwill
Administrative Law Judge

Attest:

/s/ Julie Orchard
Commission Secretary
G#45106