

- 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 Culinary Water)
Company)

DOCKET NO. 04-2437-01

PROCEDURAL NOTICE AND AND
NOTICE OF TECHNICAL AND
SCHEDULING CONFERENCE

ISSUED: June 3, 2005

By The Commission:

On May 11, 2005, Lee R. Brown, who was granted intervener status by Commission order dated October 1, 2004, filed a Motion to Compel Answers to Data Requests, requesting the Commission compel current and former officers and directors of Bridge Hollow Water Association (“Bridge Hollow”) to answer the data requests submitted by Mr. Brown in September 2004. In his Motion, Mr. Brown indicated that to date he has received no answers to his data requests from either current or former officers or directors of Bridge Hollow.

On May 16, 2005, the Commission received a letter from Mr. John B. Tebbs to Mr. Brown indicating his willingness to provide any and all information of which he has knowledge from the time during which he was involved in Bridge Hollow’s operations. The letter indicated that Mr. Tebbs is not currently an officer of Bridge Hollow.

On May 25, 2005, the Division of Public Utilities (“Division”) filed a memorandum recommending that the Commission schedule a hearing and require Mr. Tebbs to show why he is not obligated to comply with the Division’s request for relevant information regarding the operation, control and properly authorized voting shares of Bridge Hollow. The Division indicated that the Tebbs family apparently took control of Bridge Hollow from the predecessor developer and had controlled and operated the water company for several years before the current Association began to manage daily operations. The Division noted its understanding that Mr. Duane Fluckinger, Bridge Hollow’s current Director, had attempted to procure all documentation and accounting information for the water company for the period that it was managed by the Tebbs family. According to the Division, much of the information

sought by Mr. Brown in his data requests to Bridge Hollow relates to that period of time. The Division states Mr. Fluckinger has been very cooperative but that the Tebbs family has ignored the Division's document requests.

Having reviewed all relevant filings, the Administrative Law Judge determines to take Mr. Tebbs at his word and expects all parties, including Mr. Tebbs, to respond as requested to all data requests submitted by other parties to this docket. As these data requests are a valid means of discovery under Commission rules and the *Utah Rules of Civil Procedure*, all parties are reminded that no formal request or order must issue from the Commission in order to lend its imprimatur to such data requests. Failure to voluntarily provide requested information may result in a Commission-issued order to show cause, subpoena to appear and produce documents, or an order requiring deposition of witnesses.

Notice is hereby given that a **Technical and Scheduling Conference** in this matter will be held on **Tuesday, June 28, 2005 at 9:00 a.m.**, Room #427, Fourth Floor of the Heber M. Wells State Office Building, 160 East 300 South, Salt Lake City, Utah. By this time, the Commission expects answers to have been provided to all outstanding data requests so that meaningful discussions can be held concerning those answers and the conduct of further proceedings in this docket.

Individuals wishing to participate by telephone should contact the Commission at least two to three days prior to the Conference to make arrangements. On the day of the Conference, participants must call in to (801) 530-6716 or call toll-free 1-866-PSC-UTAH (1-866-772-8824) at least five minutes prior to the beginning of the Conference to ensure participation.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify the Commission, at 160 East 300 South, Salt Lake City, Utah, 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 3rd day of June, 2005.

/s/ Steven F. Goodwill

Administrative Law Judge

Attest:

/s/ Julie Orchard
Commission Secretary
G#44696