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c: J. Craig Smith
John S. Flitton
Lara A. Swensen

UTAH PUBLIC
SERVICE COMMISSION

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LAW OFFICES
HATCH, JAMES & DODGE
A PROFESSIONAL CORPORATION
10 WEST BROADWAY, SUITE 400
SALT LAKE CITY, UTAH 84101
TELEPHONE (801) 363-6363
FAX (801) 363-6666

BRENT O. HATCH
bhatch@hjd.com

October 20, 2009

VIA FACSIMILE (801) 530-6796
Public Service Commission
Heber Wells Building
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Re: *Bear Hollow v. Summit Water Distribution Co., et al.*, (Docket No. 09-015-01);
Division of Public Utilities Request for Scheduling Conference

To the Public Service Commission:

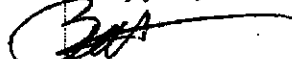
This letter is in response to the Division of Public Utilities' memorandum recommending that the Public Service Commission ("the Commission") schedule a conference regarding discovery in this matter. As counsel for all of the respondents other than Summit Water Distribution Co., I am writing to oppose any such conference until the Commission has ruled on the pending Motions to Dismiss this action.

As the Commission is aware, on October 12, 2009, my clients (the Individual Shareholders) filed a motion to dismiss all of the claims against them. That motion is based on this Commission's limited subject matter jurisdiction. My clients are not "public utilities," but rather are individuals who happen to own shares in Summit Water. As such, the Commission lacks jurisdiction over my clients, and they should be dismissed from this action.

Until the Commission has ruled on that pending motion to dismiss, any scheduling conference would be premature. Indeed, until the Commission's jurisdiction is properly evaluated, it is not clear what authority the Commission would have even to order such a conference. For these reasons, the Individual Shareholders oppose any effort to discuss discovery in this matter until the Commission has ruled on their pending motion to dismiss. To the extent Summit Water's October 13, 2009, letter to the Commission reflects this same position, the Individual Shareholders join in Summit Water's objection as well.

If the Commission or the Division of Public Utilities has any questions on our position, please feel free to contact me.

Sincerely yours,


Brent O. Hatch