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Attorneys for Summit Water Distribution Company

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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BEAR HOLLOW RESTORATION,  
LLC,

Applicant/Complainant,

v.

LEON H. SAUNDERS;  
LANDMARK PLAZA  
ASSOCIATES; PARLEY'S CREEK,  
LTD; PARLEY'S LANE, LTD.;  
PARLEY'S PARK; STUART A.  
KNOWLES; TRILOGY LIMITED,  
L.P.; TRILOGY ASSET  
MANAGEMENT, INC.; LAND &  
WATER RESOURCES, INC.;  
LAWRENCE R. KNOWLES  
IRREVOCABLE TRUST; LEON H.  
SAUNDERS; STUART A.  
KNOWLES and TRILOGY  
LIMITED, L.P. dba SK  
RESOURCES, a Utah general  
partnership and/or joint venture;  
SUMMIT WATER DISTRIBUTION  
COMPANY, a Utah non-profit  
mutual water corporation,

Respondents.

**SUMMIT WATER DISTRIBUTION  
COMPANY'S REQUEST TO SUBMIT FOR  
DECISION ON MOTION TO DISMISS**

**HEARING REQUESTED**

Docket No. 09-015-01

Pursuant to Utah Rules of Civil Procedure 8(d)-(e), Summit Water Distribution Company (“SWDC”), by and through its counsel of record, respectfully submits this Request to Submit for Decision on SWDC’s pending Motion to Dismiss.

SWDC’s Motion to Dismiss was filed with the Public Service Commission (“PSC”) and served on Bear Hollow Restoration, LLC (“Bear Hollow”) on October 12, 2009. Bear Hollow served its opposition memorandum on October 27, 2009. SWDC filed and served its Reply Memorandum in Support of Motion to Dismiss on November 6, 2009. Accordingly, the briefing is complete and it is appropriate for the PSC to consider the motion.

Given that the pending motion is potentially dispositive of the claims before the PSC, SWDC also respectfully requests that the PSC hold a hearing on the motion. *See* Utah R. Civ. P. 8(e). A hearing would give the parties the opportunity to answer any questions from the PSC and more fully explain the potential implications of this decision. Accordingly, SWDC hereby requests a hearing on its pending Motion to Dismiss.

Respectfully submitted this 10<sup>th</sup> day of November, 2009.

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/s/  
John S. Flitton  
Lara A. Swensen  
FLITTON & SWENSEN  
Attorneys for SWDC

**CERTIFICATE OF MAILING**

I hereby certify that on the 10<sup>th</sup> day of November, 2009, I caused to be served upon by electronic mail and by U.S. Mail, postage prepaid, a true and correct copy of the foregoing: SUMMIT WATER DISTRIBUTION COMPANY'S REQUEST TO SUBMIT FOR DECISION ON MOTION TO DISMISS to the following:

*Electronic and U.S. Mail:*

Public Service Commission  
Division of Public Utilities  
Heber M. Wells Building  
160 East 300 South, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111

*U.S. Mail:*

J. Craig Smith  
SMITH HARTVIGSEN  
215 South State Street, Suite 600  
Salt Lake City, Utah 84111

*Electronic:*

Brent Hatch  
Mitchell Stephens  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

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/s/