

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Formal Complaint and )  
Request for Agency Action of Bear Hollow ) DOCKET NO. 09-015-01  
Restoration, LLC against 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 and ) ORDER DENYING REHEARING  
Water Resources, Inc.; Lawrence R. )  
Knowles Irrevocable Trust; Leon H. )  
Saunders, Stuart A. Knowles and Trilogy )  
Limited, L.P. d/b/a SK Resources, a Utah )  
General Partnership and/or Joint Venture, )  
Summit Water Distribution Company, a )  
Utah Corporation. )  
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ISSUED: March 29, 2010

By The Commission:

This matter is before us on Bear Hollow Restoration, LLC's (Bear Hollow) Request for Rehearing of our February 4, 2010 order granting the Motions to Dismiss and dismissing Bear Hollow's complaint. Bear Hollow also filed a First Amended Complaint, which it sought to file and have us consider.

We decline to grant a rehearing on the order granting the Motions to Dismiss.

Additionally, we decline to consider the amended complaint. Bear Hollow cannot amend its complaint at this point. As cited by the individual shareholders in their opposing memorandum, "an order of dismissal is a final adjudication, and thereafter a plaintiff may not file an amended complaint." *Nichols v. State*, 554 P.2d 231, 232 (Utah 1976).

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We note that the Commission filed a Notice of Proposed Rule Repeal of Rule 746-331 with the Utah Department of Administrative Services-Division of Administrative Rules on or about March 22, 2010. That proposed repeal is docketed online at [www.psc.utah.gov](http://www.psc.utah.gov) under the “Miscellaneous Dockets”, Docket No. 10-R331-01.

Judicial review of the Commission’s final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirements of Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah this 29<sup>th</sup> day of March, 2010

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#65879