

April 8, 2009

Public Service Commission of Utah
160 East 300 South
Salt Lake City, Utah 84111

Re: Docket #09-2506-T01
Application of Willow Creek Water Company, Inc.
for Certificate of Public Convenience and Necessity

Dear Commissioners,

I am a current water user and shareholder with Willow Creek Water Company, Inc. (WCWC). After reviewing the document, Rate Schedules and Rules and Regulations, Tariff No. 1, submitted by WCWC for certification I wish to raise the following items for clarification:

- 1) Page T4, paragraph 1: This paragraph refers to four categories of shares (A-D) and that each lot owner will be issued two shares “when they purchase the lot.” Does this include current landowners? Our original agreement states that we “...become a share holder in a water cooperative...(that) guarantees a minimum of 0.9 acre feet of culinary water annually...(and) This water right shall run with the land...” This original document does not specify the number of shares we currently own. Although the 146,637 gallons associated with either an “A” share or “B” share in the proposed revision would, if added together, approximate our original right to 0.9 acre feet (~293,000 gallons) water per year, it does not clearly state which share(s) would be assigned to existing property owners on the system. On the other hand, the assignment of only a single share would represent a substantial decrease in water currently made available to us.
- 2) Page T5, paragraph 12: Originally this sentence reads, “All meters shall be read by the Company monthly...” however “monthly” has been crossed out by hand and “yearly” written above it. First, this change is not initialed therefore is it binding? Second, a yearly reading is in contradiction to the monthly reading implied on the page titled, Water Service Rate Schedule.
- 3) Similarly, the minutes from the meeting on February 19, 2009 (item 4A) states, “...meters will be read on the 31st of October each year...” However, the minutes dated March 12, 2009 (item 2A) imply meters will be read (were read) on April 1 and will be read again on October 31 “(to tell)...overage during the summer months.” If meters are read in April 2009 as baseline for each lot, then they should not be read again until April 2010 if an annual assessment is to be adopted.
- 4) The Water Service Rate Schedule also states users will be charged \$1 per 1000 gallons for 11,440 gallons used over the first 13,000 gallons per month. In the event we use more than 24,440 gallons per month, what would the fee be?

WCWC proposes a fixed rate of \$38 for 13,000 gallons per month, and an overage fee of \$1 per 1000 gallons; however, I suggest this become a calculated mean and water usage be assessed annually not monthly. Monthly assessments would unfairly burden shareholders during summer when water usage is naturally higher, without consideration for water saved during winter. For example; if I use 8,000 gallons per month in the winter, I would be billed the full \$38 per month. However, if I use 15,000 gallons per month in the summer, I would also be billed an overage fee for 2,000 gallons, without credit for the 5,000 gallons per month I did not use in the winter. An annual reading would smooth the expected seasonal fluctuations in water usage, and encourage conservation during all months of the year. Also, regardless of the assessment schedule, I think it would be helpful if property owners would be provided with periodic statements specifying how much water we have used.

Finally, these changes may be interpreted as significantly different from our original agreement with WCWC. I therefore think it is imperative that a new agreement between WCWC and current property owners be written, including the issues discussed above and any others the commission deems appropriate. Future buyers of our land will certainly require clear understanding of water service prior to entering into a contract to buy, thus such a revised agreement would be a crucial document for us to have prepared now.

Sincerely,

Debra Carlson

A black rectangular redaction box covering the signature area.