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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Cedar Point Water Company for an Expansion of Service Area and Additional Types of Service and Applicable Rates

Response of the Division of Public Utilities to Petition for Review or Rehearing

Docket No. 10-2404-01

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The Division of Public Utilities (Division) files this response in opposition to the Petition for Review or Rehearing on Order Denying Application and Request to Amend Application and/or Tariff for Rehearing (Petition) filed by Cedar Point Water Company (Company).

On January 13, 2011, the Company filed its Petition<sup>1</sup> claiming sufficient water rights for the requested 450 residential connections and conceding that it lacked sufficient source capacity for the same. Accordingly, the Petition revised the Company's request to serve only 250 residential connections rather than the 450 sought. The Petition also claimed that due to additional work with the Department of Environmental Quality, Drinking Water, adequate source capacity could be shown. Finally, the Petition contained amended Tariff definitions regarding various types of service.

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<sup>1</sup> The Company's Petition is dated and signed January 6<sup>th</sup>, but was not filed pursuant to Commission rules until the electronic copy was received on January 13<sup>th</sup>.

Although the Division recognizes and appreciates the additional work done and the documentation provided by the Company, the additional work and documentation do not provide a basis for the Division to change its initial recommendation that the Company's application be denied. A memorandum detailing the Division's review concerning the additional work and documentation is attached as Attachment 1. The Company can, of course, file a complete application in a new docket in the future.

Therefore, the Division respectfully requests that the Commission deny the Company's Petition.

Respectfully submitted this \_\_\_\_\_ day of January 2011.

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Patricia E. Schmid  
Attorney for the Division  
of Public Utilities

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Response of the Division of Public Utilities to Petition for Review or Rehearing in Docket No. 10-2404-01 was sent by electronic mail and mailed by U.S. Mail, postage prepaid, to the following on January \_\_\_\_, 2011.

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