



State of Utah
Department of Commerce
Division of Public Utilities

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-== MEMORANDUM ==-

TO: Utah Public Service Commission

FROM: Division of Public Utilities
Philip Powlick, Director
William Duncan, Manager, Telecommunication & Water Section
Shauna Benvegnu-Springer, Utility Analyst

SUBJECT: In the Matter of the Application of Birch Spring Nonprofit Private Water Corporation for an Exemption from Public Service Commission Regulation

RE: Docket No 10-2525-01 Cross Reference 86-999-08

DATE: September 30, 2010

RECOMMENDATION: APPROVE

The Division of Public Utilities recommends the Utah Public Service Commission issue a Letter of Exemption to Birch Spring Nonprofit Private Water Corporation.

EXPLANATION:

The Division of Public Utilities received an application from Ivan Pack, Secretary/Treasurer, to the Birch Spring Nonprofit Private Water Corporation (“BSNPWC” or Corporation) that indicates the corporation qualifies for a Letter of Exemption. The Corporation was registered as Birch Spring Nonprofit Private Water Corporation on August 26, 1985 and has an “Active” status and is in “Good Standing” with the Division of Corporations.

The water system has been in operation since the 1970’s, providing water only to a few recreational residents. Currently, the water system provides domestic, chlorinated water to 13 cabins from an 8,000 gallon storage tank supplied by an underground natural spring known as Birch Spring. Water service is supplied from May to October with the exception of two year-round connections. Three proposed cabins have requested connection to the water system through Salt Lake County Planning and Development Services Division. The maximum number of connections to be served is twenty (20).

Currently, the BSNPWC does not have an approved water system with the Division of Drinking Water. When the Salt Lake County Planning and Development Services Division approves the building permits for the three additional cabins, the BSNPWC will be under the jurisdiction of the Division of Drinking Water and must have an approved water system at that time. The BSNPWC is working with the Division of Drinking Water to determine the requirements for an assessment of their water system.

The water system is operated by the owners and members for their mutual benefit, according to the BSNPWC Articles of Incorporation filed on August 25, 1985 with the Division of Corporations.

The applicant appears to have sufficient water rights for the connections they are currently serving. Approved beneficial use applications will be required for the remaining connections.

Birch Spring Nonprofit Private Water Company appears to have the basis for exemption from Utah Public Service Commission regulation. The Division therefore recommends that Birch Spring Nonprofit Private Water Company be issued a Letter of Exemption.

cc: Ivan Pack, Secretary/Treasurer, Birch Spring Nonprofit Private Water Company
Rod Stewart, Landowner to BSNPWC
Jesse Lassley, Landowner to BSNPWC
David Richards, Landowner to BSNPWC
Michael Grange, Division of Drinking Water
Ying-Ying Macauley, Division of Drinking Water