

# ORIGINAL

February 29, 2012

David R. Clark  
Utah Public Service Commission  
160 East 300 South  
Salt Lake City, UT 84111

UTAH PUBLIC  
SERVICE COMMISSION

2012 MAR 12 P 2: 52

Re: Docket No. 11-097-01; Docket No. 11-097-02 and Docket No. 11-097-03

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Dear Mr. Clark:

During the status conference of February 23, 2012 on the above referenced dockets you requested that Ms. Schmidt, Division of Public Utilities and Mr. Bryner, Mr. Bowden's attorney each submit a letter to you stating their position on the issue of the Public Service Commission's jurisdiction over the sale or transfer of Mountain Sewer. You later extended an opportunity for anyone else wishing to express his/her opinion on the matter to submit a letter to you as well.

It is our opinion that the original order to certify Mountain Sewer, Case No. 14-097-01, Report and Order Certification No. 2163, Issue: June 11, 1985 clearly gives the Public Service Commission this jurisdiction.

On page 4, item 8 of the Report containing its Findings of Fact, Conclusions of Law, together with its Order based thereon states that: "The Division of Public Utilities did not oppose the application. However, the Division requested, and the Applicant agreed, that certain conditions be attached to the certification of convenience and necessity for the purpose of promoting the financial integrity of the Applicant, which conditions are set forth in the Order hereinafter."

On page 6, c. of the Order it states that: "In the event Ronald J. Catanzaro, the sole share-holder of the Applicant, should desire to sell or assign the note due to him from the Applicant or any controlling interest in the Applicant, he shall first give thirty (30) days written notice of such intent to the Division of Public Utilities. In the event the Division of Public Utilities should petition this Commission prior to the expiration of said thirty (30) days, this Commission shall conduct a hearing for the purpose of determining whether to approve such sale, conditionally approve such sale, or disapprove such sale."

We believe that the jurisdiction issue has been resolved in favor of the State's jurisdiction to safeguard the utility customers by means of Mountain Sewer's express and unequivocal acquiescence thereto. Mountain Sewer consented to PSC jurisdiction on this very question as far back as 1985. The Complainants are confident that the terms of the sale or transfer will receive appropriate scrutiny and modification, if necessary, as part of these proceedings.

The Complainants are not opposed to Mr. Bowden or his company as the new owner of Mountain Sewer. His actions to this point in addressing the service

David R. Clark (continued)

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problems of Mountain Sewer have indicated he is a dedicated, competent owner, intent on providing the required service levels to his customers. However, should Mountain Sewer be purchased by, or transferred to someone else in the future, we, the customers, may not be so fortunate again without the oversight of the Public Service Commission.



Sharon and Larry Zini  
For Complainants

cc: James and Dawn Martell  
6739 E Via Cortina  
Huntsville, UT 84317

Frank and Pat Cumberland  
6563 East 1100 South  
Huntsville, UT 84317

David and Marsha Smith  
6711 E Via Cortina  
Huntsville, UT 84317

Robert Kimball  
4801 Hickory Lane  
Metamora, MI 48455

Ray Bowden  
5393 E. 3850 N  
Eden, UT 84310

Bryan C. Bryner  
SmithHartvigsen, PLLC  
175 South Main St., Suite 300  
Salt Lake City, UT 84111

Melven E. Smith  
Smith Knowles P.C.  
4723 Harrison Blvd., Suite 200  
Ogden, UT 84403

Division of Public Utilities  
160 East 300 South, 4<sup>th</sup> Flr.  
Salt Lake City, UT 84111  
Attn: Patricia Schmidt

Office of Consumer Services  
160 East 300 South, 2<sup>nd</sup> Flr.  
Salt Lake City, UT 84111  
Attn: Cheryl Murray