

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
James and Dawn Martell; Robert Kimball;) DOCKET NO. 11-097-01
Frank and Pat Cumberland; Larry and Sharon)
Zini; David and Marsha Smith, *et al* vs.)
Mountain Sewer Corporation)
)
In the Matter of Ronald J. Catanzaro’s Notice) DOCKET NO. 11-097-02
of Intent to Sell Mountain Sewer Corporation)
and Lakeview Water Corporation)
)
In the Matter of the Application of Mountain) DOCKET NO. 11-097-03
Sewer Corporation for a General Rate)
Increase) ORDER TO SHOW CAUSE
)

ISSUED: July 9, 2012

SYNOPSIS

The Commission orders Mountain Sewer Company to show cause for continuing the interim rate increase it has received, in light of its alleged failure to respond to the discovery requests of other parties. This order also clarifies the interim standby fee.

By the Commission:

This matter is before the Commission on the motion to compel discovery filed by Larry and Sharon Zini (“Zinis”) who are customers of Mountain Sewer Company (“Company”) and intervenors in these dockets.

On June 20, 2012, the Zinis filed a motion to compel responses to their initial data requests purportedly served on the Company on April 27, 2012. The Zinis assert the Company and its counsel have ignored the Zini’s requests for data they seek in connection with their participation in the Company’s general rate increase application. The Commission has

previously established an interval of 14 days for responding to discovery requests in this matter.¹ The Zini's request offers a 30 day response interval. According to their motion to compel, the Zinis filed their motion 54 days after serving their data requests and receiving no response. The Zinis ask the Commission for an order compelling disclosure of the requested information within three days and, in effect, for postponement of each of the remaining items on the schedule by 14 days.

Under the Commission's rules of practice, the time for the Company to file a response to the Zini's motion expired on July 5, 2012.² The Commission has received no response from the Company.

In an order issued June 25, 2012, the Commission placed into effect, on an interim basis, the rates the Company requests in its general rate case application. In accordance with the Company's request and the evidence produced, the June 25, 2012 order granted the Company's request for interim rates, "until the Commission can issue a final order in the general rate case."³ The Company's apparent failure to respond to the Zini's discovery requests and motion to compel raises the question of whether the Company intends to pursue its general rate increase application. Accordingly, the Company is ordered to appear at a hearing to show cause for continuing the interim rates in effect. The hearing will be held on **Thursday, July 19, 2012, commencing at 9:00 a.m., in Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** Any necessary schedule adjustments for processing the general rate case application will also be established at this hearing.

¹ See Scheduling Order and Notice of Hearing, Docket No. 12-097-03, issued May 14, 2012, p.2.

² See Utah Administrative Code R746-100-4(D).

³ See Application for Interim Rate Increase filed April 6, 2012, p.3.

Since the June 25, 2012 order was issued, an intervenor, Frank J. Cumberland, has asked the Commission to clarify the class of customers to which the newly-adopted standby fee applies. As Mr. Cumberland notes in his e-mail, during the hearing the Company corrected its proposed tariff language to read: “All owners of platted and recorded lots for which the connection fee has not been paid shall pay the monthly standby fees according to the rate and fee schedules of this tariff.”⁴ This sentence in the tariff, as corrected, defines the customers who are obligated to pay the standby fee specified in the June 25, 2012 order.

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission five minutes prior to the conference to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this proceeding should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the conference.

⁴ See e-mail correspondence dated June 26, 2012, from Frank J. Cumberland, filed in Docket No. 11-097-03.

DOCKET NOS. 11-097-01, 11-097-02, AND 11-097-03

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DATED at Salt Lake City, Utah this 9th day of July, 2012.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#230847

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of July, 2012, a true and correct copy of the foregoing Order to Show Cause was served upon the following as indicated below:

By U.S. Mail:

Ronald J. Catanzaro
Mountain Sewer Corporation
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James and Dawn Martell
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Frank and Pat Cumberland
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