

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Hi-Country Estates)
Homeowners Association's Request for) DOCKET NO. 11-2195-01
Reassessment of the Commission's) ORDER TO SHOW CAUSE AND
Jurisdiction) NOTICE OF HEARING
)

ISSUED: June 6, 2012

By The Commission:

On May 21, 2012, the Division of Public Utilities ("Division") filed a report recommending the Commission revoke the Letter of Exemption and reinstate the Certificate of Public Convenience and Necessity # 2195 ("CPCN") in this docket. See Division Memo, filed May 21, 2012. The Division asserts that the above action is justified because Hi-Country Estates Homeowners' Association Phase I ("Company") is serving both members and non-members and, therefore, it is acting as a "public utility" within the definition of Utah Code Ann. §§ 54-2-1(16) and 54-2-1(29). The Division's conclusion is based on two data requests to the Company for information related to its customers and a site visit conducted by the Division on April 5, 2012. The Division asserts the Company has 132 customers/connections that comprise 33 standby connections, 92 water connections, and 6 connections in process. Of the 132 customers/connections, the Division alleges there are 123 customers who are members and have membership/stockholder and voting rights in the Company, and the remaining nine (9) have neither membership in the Company nor voting rights.

The Division's filing sets forth good cause to inquire into whether the Company is operating as a public utility and, if so, whether the Company's Letter of Exemption should be revoked and its CPCN reinstated. The Commission thus enters the following order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Hi-Country Estates Homeowners' Association Phase I and its officers shall appear before the Administrative Law Judge of the Commission on **Friday, June 15, 2012, 9:00 a.m., in Room 451, Heber M. Wells Bldg., 160 East 300 South, Salt Lake City, Utah**, to show cause, if any, why they should not have their Letter of Exemption revoked and Certificate of Public Convenience and Necessity reinstated. The Company and its officers have the right to be represented by legal counsel and failure to appear by counsel will constitute a waiver of that right.
2. The Division of Public Utilities shall conduct such further investigation as it deems necessary and provide any additional recommendations at the hearing. The Division is further directed to send a copy of this notice, together with a copy of the Division's memo, redacting any confidential information, to each property owner served or potentially to be served by the Company, according to the most current information in possession of the Division.
3. Hi-Country Estates Homeowners' Association Phase I and its officers are directed to cooperate with the Division and provide information requested by the Division in its investigation of the Company.
4. Hi-Country Estates Homeowners' Association Phase I customers that will not be present for the hearing may participate by telephone. Customers wishing to

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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). Customers attending by telephone should then call the Public Service Commission at one of numbers posted above five minutes prior to the hearing to ensure participation.

5. In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6713, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 6th day of June, 2012.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#227413

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of June, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

J. Rodney Dansie
7198 West 13090 South
Herriman, UT 84096

By Electronic Mail:

J. Craig Smith (jcsmith@smithlawonline.com)
Smith Hartvigsen PLLC

Patricia Schmid (pschmid@utah.gov)
Office of the Attorney General

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant