

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Notice of Merger of)
Boulder King Ranch Estates Water) DOCKET NO. 11-2254-01
Company with and into Boulder Farmstead)
Water Company) ORDER REQUIRING FURTHER
) ACTION BEFORE CPCN CAN BE
) CANCELLED AND AN EXEMPTION
) ACKNOWLEDGED
)

ISSUED: October 31, 2012

By The Commission:

BACKGROUND

On August, 30, 2011, counsel for Boulder King Ranch Estates Water Company (“Boulder King”) filed a notice of merger, noting that Boulder King is planning to merge with Boulder Farmstead Water Company (“Boulder Farmstead”). See Notice of Merger, filed August 30, 2011. On October 14, 2011, the Division of Public Utilities (“Division”) filed a status report memo with the Commission. See Division Memo, filed October 14, 2011. The Division stated it had met with representatives of both Boulder King and Boulder Farmstead and it was awaiting filing of copies of several documents, including:

- a) The Plan of Merger between Boulder King and Boulder Farmstead;
- b) Boulder Farmstead’s current Articles of Incorporation;
- c) Boulder Farmstead’s current Bylaws;
- d) Minutes from both Boulder King’s and Boulder Farmstead’s Boards of Directors meetings approving the Plan of Merger;

- e) Minutes from Boulder King's Shareholder Meeting held on August 31, 2011, and minutes from Boulder Farmstead's Shareholder Meeting held on September 10, 2011;
- f) A letter from an officer of both Boulder King and Boulder Farmstead each indentifying when the merger will be complete (or was completed), the impact, if any, to current customers, and what transferred (or will be transferred) as a result of the merger; and
- g) A letter to the Division of Corporations requesting dissolution of Boulder King.

See id.

On October 2, 2012, the Division filed a second memo recommending the Commission cancel Boulder King's certificate of public convenience and necessity ("CPCN") and acknowledge the merger between Boulder King and Boulder Farmstead. See Division Memo, filed October 2, 2012. However, none of the documents referred to above have been filed to date in this docket.

ORDER

Before further Commission action is taken in this docket, the parties must file the documents listed above. The filings should be made within twenty (20) days of the date of this order.

DATED at Salt Lake City, Utah, this 31st day of October, 2012.

/s/ Melanie A. Reif
Administrative Law Judge

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Approved and confirmed this 31st day of October, 2012, as the Order Requiring Further Action before CPCN can be Cancelled and an Exemption Acknowledged of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 31st day of October, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic Mail:

Craig Smith (jcsmith@smithlawonline.com)
SMITH HARTVIGSEN, PLLC

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Assistant Utah Attorneys General

By U.S. Mail:

Boulder King Ranch Estates Water Company
Attention: Mr. Jim Arnold and Ms. Susan Heaton
30 East Center
Kanab, Utah 84741

Boulder Farmstead Water Company
Attention: Ms. Connie Reid
125 W 5th N
Boulder, Utah 84716

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