

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Apple Valley Water )  
Company (“AV”) and Cedar Point Water ) DOCKET NO. 13-2178-01  
Company (“CP”) Acquisitions by Big Plains ) DOCKET NO. 13-2404-01  
Water and Sewer Special Service District, )  
and Requests of AV and CP to Surrender ) ORDER CANCELING CERTIFICATES  
Their Respective CPCNs ) OF PUBLIC CONVENIENCE  
) AND NECESSITY  
)  
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ISSUED: August 5, 2013

By The Commission:

On June 12, 1991, and December 18, 2001, respectively, the Utah Public Service Commission (“Commission”) issued certificate of public convenience and necessity No. 2178 to Apple Valley Water Company (“AV”) and certificate of public convenience and necessity No. 2404 to Cedar Point Water Company (“CP”). On July 18, 2013, AV and CP filed notice with the Commission that all assets and service obligations of their respective companies were transferred to and taken over by Big Plains Water and Sewer Special Service District on May 23, 2013. As a result, AV and CP request their certificates of public convenience and necessity (CPCNs) cancelled.

On August 1, 2013, the Utah Division of Public Utilities (“Division”) filed a recommendation to cancel the CPCNs. The Division noted that all customers were notified of the transfer of ownership, and Big Plains Water and Sewer Special Service District is not under the Commission’s jurisdiction.<sup>1</sup>

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<sup>1</sup> Indeed, “towns, cities, counties, water conservancy districts, improvement districts, or other governmental units created or organized under any general or special law of this state” do not fall within Commission jurisdiction. See Utah Code Ann. § 54-2-1(29).

ORDER

For the foregoing reasons, Certificate No. 2178, issued June 12, 1991, and Certificate No. 2404, issued December 18, 2001, are canceled.

DATED at Salt Lake City, Utah, this 5<sup>th</sup> day of August, 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg  
Commission Secretary  
D#246061

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on the 5<sup>th</sup> day of August, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail:

Roger J. Sanders ([waterlawutah@gmail.com](mailto:waterlawutah@gmail.com))

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Administrative Assistant