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Attorneys for Rodney Dansie

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the matter of the Application of Hi-Country Estates Homeowners Association for Approval of Its Proposed Water Rate Schedules and Water Service Regulation

**PETITION BY RODNEY DANSIE
TO INTERVENE IN THE HI-
COUNTRY ESTATES
HOMEOWNERS ASSOCIATION
RATE CASE**

Docket No. 13-2195-02

Pursuant to Utah Code 63G-4-207 and R746-100-7, Rodney Dansie hereby respectfully submits this petition to intervene in the above-captioned rate case brought by Hi-Country Estates Homeowners Association (“Hi-Country”).

Mr. Dansie will be substantially affected by the proceedings involved in the rate case, for several reasons. First, he is a shareholder in Hi-Country and would purportedly be affected by the proposed increase in rates, particularly the proposed increase in standby fees and the new “Reserve Fund Monthly Charge” allegedly applicable to all customers.

Second, Mr. Dansie's rights are uniquely at issue in this case as Hi-Country's proposal specifically refers to a \$3.85/1000 gallon rate that purportedly will apply to water he receives under the terms of a well lease agreement (and its subsequent amendment). Hi-Country Application to Approve Proposed Water Service Schedules and Rates ("Application") at 5. Hi-Country contends that this amount represents "the pro rata cost of transporting the water through the Hi-Country water system." *Id.* Mr. Dansie disputes that Hi-Country is entitled to charge Mr. Dansie those costs, given both the clear language of the well lease and the Utah Court of Appeals' 2011 decision affirming that "the Dansies are, going forward, entitled to their contractual rights to free water and free hook-ups [under the lease] unless the PSC intervenes and determines otherwise." *Hi-Country Estates Homeowners Ass'n v. Bagley & Co. et al*, 2011 UT App 252, ¶ 14.

For relief, Mr. Dansie seeks an order from the PSC affirming his right to receive water from Hi-Country under the terms of the well lease agreement, and not subject to the proposed rate increases in the Application.

Mr. Dansie's rights clearly will be substantially affected by any action of the PSC interpreting the well lease agreement, or permitting Hi-Country to impose fees contrary to that agreement. Further, given the early stage of these proceedings, the orderly and prompt conduct of the rate case will not be materially impaired by adding Mr. Dansie as an intervening party.

Accordingly, Mr. Dansie respectfully asks the PSC to add him as a party in this matter.

DATED this 31st day of July, 2013.

/s/ John S. Flitton

John S. Flitton

Lara A. Swensen

FLITTON & SWENSEN

Attorneys for Rodney Dansie

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July, 2013 I caused to be served by U.S. Mail, postage prepaid, a true and correct copy of the foregoing **PETITION BY RODNEY DANSIE TO INTERVENE IN THE HI-COUNTRY ESTATES HOMEOWNERS ASSOCIATION RATE CASE** to the following:

Public Service Commission
psc@utah.gov
Heber M. Wells Building
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111
(5 copies + 1 original)

(Via U.S. Mail/and Electronic)

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(Via U.S. Mail)

/S/ Shariyu Patwardhan