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Attorneys for Hi-Country Estates Homeowners Association

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Hi-Country)
Estates Homeowners Association for Approval) **MOTION FOR SUMMARY**
of Its Proposed Water Rate Schedules and Water) **JUDGMENT**
Service Regulation) Docket No. 13-2195-02
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Pursuant to Utah Administrative Code R746-100-3.J, Hi-Country Estates Homeowners Association (“Hi-Country”), by and through its undersigned counsel, Smith Hartvigsen, PLLC, hereby moves for an order from the Public Service Commission (the “Commission”) finding that the Well Lease and Water Line Extension Agreement (the “Lease”) is unreasonable, contrary to public policy, and therefore unenforceable as against Hi-Country.

As set forth in more detail in Hi-Country’s supporting memorandum, filed concurrently herewith, the Lease is unenforceable as against Hi-Country because it is undisputed that (1) the Commission has previously determined that the Lease should not be enforced against Hi-Country’s

water provider; and (2) the enforcement of the Lease is contrary to public policy. Accordingly, Hi-Country respectfully moves the Commission to grant summary judgment in its favor and order that the Lease is unenforceable as against Hi-Country.

Dated this 25th day of February, 2014

/s/ Adam S. Long

J. Craig Smith

Megan E. Garrett

Adam S. Long

SMITH HARTVIGSEN, PLLC

Attorneys for Hi-Country Estates

Homeowners Association

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of February, 2014, I served a true and correct copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** by causing the same to be delivered to the following:

Via hand delivery and email to:

UTAH PUBLIC SERVICE COMMISSION
c/o Gary Widerburg, Commission Secretary
160 East 300 South, Fourth Floor
Salt Lake City, Utah 84111
psc@utah.gov

Via U.S. mail to:

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Via email to:

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/s/ Adam S. Long