

PATRICIA E. SCHMID (#4908)
Assistant Attorney General
JUSTIN C. JETTER (#13257)
Counsel for the DIVISION OF PUBLIC UTILITIES
SEAN D. REYES (#7969)
Attorney General of Utah
160 E 300 S, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
Telephone (801) 366-0380

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	Docket No. 13-2195-02 Response of the Division of Public Utilities Opposing Mr. Werner Uhlig’s Request for Review or Rehearing with the PSC for a Declaratory Ruling
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Pursuant to Utah Code Ann. §54-7-15 and Utah Administrative Code R746-100-11.F, the Utah Division of Public Utilities (Division) files its response opposing Mr. Werner Uhlig’s Request for a Review or Rehearing with the PSC for a Declaratory Ruling (Request) filed with the Public Service Commission (Commission) June 3rd, 2014. Mr. Uhlig lacks standing, and his Request should be denied.

Mr. Uhlig is a “home owner with a private well”¹ and states that he does “not think the imposition of a ‘standby fee’ is legally tenable.”² He asserts, instead, that “[i]f there is a need

¹ Request at p. 1.

² Id.

for it, then it should be assessed equally on all home owners.”³ He then discusses his position in more detail.⁴

Because Mr. Uhlig lacks standing to pursue his Request, it should be denied. According to statute, “After any order or decision has been made by the commission, any party to the action or proceeding, any stockholder, bondholder, or other party pecuniarily interested in the public utility affected may apply for rehearing of any matters determined in the action or proceeding.”⁵ First, Mr. Uhlig has not sought intervention, so he is not a party to this docket with standing to seek review or rehearing. Second, while it is unclear if Mr. Uhlig is a ratepayer of Hi-Country Estates Home Owners Association,⁶ even if he is, he lacks the required pecuniary interest for standing to bring his Request properly before the Commission.⁷ If he is a ratepayer, that status alone does not give him standing to seek rehearing or review. “Under the doctrine of *eiusdem generis*, ratepayers simply do not qualify as persons ‘pecuniarily interested in the public utility’ by the terms of the statute.”⁸

Therefore, the Division respectfully asks the Commission to deny the Request.

Respectfully submitted this _____ day of June 2014.

Patricia E. Schmid
Assistant Attorney General
*Attorney for Utah Division of Public
Utilities*

³ Id.

⁴ Id. at pp. 1 -2.

⁵ Utah Code Ann. §54-7-15(2)(a).

⁶ The Request does not expressly define Mr. Uhlig’s relationship with the Company.

⁷ See *Ball v. Public Service Commission, (In re Questar Gas Company)*, 175 P.3d 545 (Utah 2007), rehearing denied (Utah 2008) (Ball).

⁸ Ball at p. 558.

CERTIFICATE OF SERVICE

On this 17th day of June, 2014, I hereby certify that I caused a true and correct copy of the forgoing *Response of the Division of Public Utilities Opposing Mr. Werner Uhlig's Request for Review or Rehearing with the PSC for a Declaratory Ruling* by causing the same to be delivered via First Class Mail, postage prepaid, or by email to the following:

Via U.S. mail and email to:

John S. Flitton
FLITTON BABALIS PPLC
1840 Sun Peak Drive, Suite B-102
Park City, UT 84098
johnflitton@me.com
johnflitton@mac.com

William B. and Donna J. Coon
7876 W Canyon Rd
Herriman, UT 84096
wbotis@gmail.com

Werner Uhlig
7762 W. Hi-Country Rd.
Herriman, UT 84096
wuhlig111@msn.com

Via email to:

J. Craig Smith
Adam S. Long
SMITH HARTVIGSEN, PLLC
jcsmith@smithlawonline.com
along@smithlawonline.com

Utah Division of Public Utilities
Chris Parker
William Duncan
Dennis Miller
chrisparker@utah.gov
wduncan@utah.gov
dennismiller@utah.gov

Patricia E. Schmid