

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Hi-Country Estates)
Homeowners Association's Updated Tariff to) DOCKET NO. 13-2195-T01
Reflect Changes Submitted by Hi-Country's) ORDER SUSPENDING PROPOSED
Board of Directors and Legal Counsel) "UPDATED" TARIFF AND ORDER

ISSUED: June 26, 2013

By The Commission:

On May 28, 2013, Hi-Country Estate Homeowners Association ("Hi-Country") filed advice letter 13-01 purporting to update its tariff previously filed in Docket 12-2195-T01. Hi-Country proposes to make its updated tariff effective June 27, 2013.¹

On June 18, 2013, in response to a Commission action request, the Division of Public Utilities ("Division") filed a memo recommending, in part, the Commission 1) reject Hi-Country's updated tariff and, 2) to direct the company to file a general rate case by July 27, 2013, to address the Well Lease Agreement and other fees and language in its proposed updated tariff. The Division summarizes the changes contained in Hi-Country's proposed updated tariff as follows:

- 1) adding language to address the Well Lease and Water Line Extension Agreement of April 7, 1977 between Jesse Dansie and Gerald Bagley;
- 2) adding 18% interest to the customer late fee of \$10.00;

¹ This proposed tariff filing succeeded a tariff filing by Hi-Country on November 15, 2012, which went into effect on December 15, 2012.

DOCKET NO. 13-2195-T01

- 2 -

- 3) adding Active Meter Replacement Fee at cost and language for the same;
- 4) adding a Nonstandard Service Connection Review of \$10,000 and language for the same;
- 5) adding a Well Lease Rate Schedule and language for the same;
- 6) deleting a Reconnection Fee of \$250 and language for the same;
- 7) adding language to use a second source for fire emergency response;
- 8) adding language to describe conditions of service for standard and non-standard service connections;
- 9) deleting language to require a 66% approval from current residents to add a potential customer outside the service area;
- 10) adding new reconnection language;
- 11) adding language to limit the water supply for fire suppression;
- 12) adding language to place a lien on property for delinquent accounts; and
- 13) replacing the term “account holder” with the term “customer” along with other minor clarifying language which does not change the intent or meaning of the tariff rules.

DOCKET NO. 13-2195-T01

- 3 -

Division Memo, filed June 18, 2013, at 3. The Division's memo further states that before tariff changes can be approved, Utah law and Commission rules require a justification therefor. See id. (citing Utah Code Ann. § 54-7-12(6) and Utah Admin. Code R746-405-2(E)(1)).

Commission rules state: “Utility tariffs may not increase rates, charges or conditions, change classifications which result in increases in rates and charges or make changes which result in lesser service or more restrictive conditions at the same rate or charge, unless a showing has been made before and a finding has been made by the Commission that the increases or changes are justified.” Utah Admin. Code R746-405-2(E)(1) (emphasis added). Further, the Division points out, “[t]o date, [Hi-Country] has not filed a general rate case relating to the additions and deletions in [its proposed updated tariff], or presented adequate justification for the changes summarized above.” Division Memo, at 3.

We have reviewed Hi-Country's proposed updated tariff changes, the Division's recommendation, and we note further review is needed to determine whether the proposed changes are justified. We, therefore, determine it would be in the public interest to further examine this docket by requiring a hearing after Hi-Country files a general rate case addressing its proposed tariff changes. Accordingly, consistent with Utah Code Ann. § 54-7-12(5)(b), we suspend the proposed tariff changes pending further proceedings in this docket.

ORDER

Hi-Country's proposed tariff changes are suspended pending a filing of a general rate case and further proceedings and final order of the Commission. Hi-Country shall file its general rate case no later than July 27, 2013.

DOCKET NO. 13-2195-T01

- 4 -

DATED at Salt Lake City, Utah, this 26th day of June, 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#245189

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 26th day of June, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail

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