

UTAH PUBLIC  
SERVICE COMMISSION  
FORMAL COMPLAINT FORM  
PUBLIC SERVICE COMMISSION  
Heber M. Wells State Office Building  
160 East 300 South, Fourth Floor  
P.O. Box 45585  
Salt Lake City, Utah 84114

2013 OCT 10 A 10:26

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RECEIVED

1. Name of Complainant: Terrance K. and Lisa G. Orr

Address: 391 East 1790 North, Pleasant Grove, UT 84062

Telephone: 801-796-7420

*If represented by counsel, list:*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

2. The utility being complained against is: Eagles Landing Water Company LLC.

3. What did the utility do which you (the Complainant) think is illegal, unjust, or improper? Include exact dates, times, locations and persons involved, as closely as you can.

Primary Complaint: Failure of the Eagles Landing Water Company LLC to comply to Tariff #1 case number 07-2477-01 dated August 18, 2008.

In 2011 Terrance K. Orr and Lisa G. Orr purchased lot number 62 in the Eagles Landing Subdivision in Birdseye Utah through Gary Jones, RE-Max Realty, Spanish Fork Utah. During the negotiations the Utilities to the property were discussed with Mr. Jones who contacted the developer and water company verifying that all utilities including water was available to the lots. In the Spring of 2013 the process to secure building permits on said lot began. Dave Olsen, Eagles Landing Water Company LLC was contacted to verify placement of the water lines and meter necessary to finalize the required plot map for the county, and to proceed with the building permit. Mr. Olsen stated that he will not proceed with any action on the property until he received a \$5000.00 check. This raised an immediate concern and began the investigation into the water company. Valarie Stewart, Office Specialist, Division of Public Utilities, was contacted and she forwarded the most recent Eagles Landing Water Company LLC tariff. This tariff states the service connection (original sheet #5 item #5) fee is \$4000.00 which includes a meter, meter box, valved service line, excavation and installation. The fee schedule (original sheet no. 3) also states \$35.00 for the first 10,000 gallons, then a graduated scale for each 1000 gallons over. The Eagles Landing residents stated they are being charged a flat \$55.00/month and were recently told the rate was being raised to \$110.00 per month. August 15, 2013 an informal complaint #5024 was filed with Maria Martinez, Commerce Manager I, Division of Public Utilities. This complaint gave Mr. Olsen 30 days to respond to the unjustified tariff rate increases. Non-Formal complaints #5025 were also filed by the Eagles Landing Residents over the monthly rate overcharge. On September 17, 2013 Maria Martinez sent an additional email stating the 30 day period has passed without a response from Mr. Olsen. On September 19<sup>th</sup> Maria Martinez forwarded a response from J. Craig Smith, Mr. Olsen's Attorney discussing the financial viability of the company, stating if the companies financial situation doesn't change there will not be a company to complain about. On September 24, 2013 an additional email was sent by Maria regarding the lack of response by Mr. Olsen and she encouraged the filing of a formal complaint.

4. Why do you (the Complainant) think these activities are illegal, unjust or improper?


Mr. Olsen and the Eagles Landing Water Company LLC is not honoring the tariff filed with the Division of Public Utilities and is attempting to unjustly profit from the Eagles Landing Residents. The rate structure is not being

followed and there is indication that this will continue with the attempted monthly rate increases the residents have witnessed. Mr. Olsen has also failed to respond to the informal complaints again verifying his unwillingness to solve this complaint. We purchased lot #62 in the Eagles Landing Subdivision with the assurance of all utilities to the lot. Mr. Olsen's financial problems are now interfering with the progression of our home plans as he has failed to comply with his own tariff. We are more than agreeable to pay the \$4000.00 for the water service hookup, but do not feel the \$5000.00 is just.

5. What relief does the Complainant request?

The Complainants, Terrance K. Orr and Lisa G. Orr are requesting that the existing tariff be honored. The tariff states a \$4000.00 fee for a 1" water line, meter, meter box, valved service line, excavation and installation as stated in the Eagles Landing Water Company LLC Tariff No.1. There is no information to where Mr. Olsen came up with the \$5000.00 fee, or the \$55.00 per month that is currently being charged and the proposed \$110.00 rate increase to the residents.

6. Signature of Complainant



Date: 10-9-13