



accordance with its filed tariff and alleges that the Company was obligated to pay for and failed to pay for generator rental during a wildfire-related power outage. The customers who submitted the formal complaint in this docket also previously submitted an informal complaint to the Division of Public Utilities. The Company erroneously failed to respond in the specified time to that informal complaint and thus missed the opportunity to meet with the complainants in mediation orchestrated by the Division of Public Utilities.

### **C. Company Finances**

As noted above, the development was intended to be much larger, and the Company was set up to serve a significantly larger number of customers. The Commission, in its order granting the Company its Certificate of Public Convenience and Necessity, presciently stated that “[d]ue to the small number of home owners in the subdivision at this time, likely revenues from utility operations will be less than operating costs in the near term, but will be adequate when additional customers come on the system.” Unfortunately, due to economic realities, the hoped-for additional growth in the area has not materialized, leaving the Company in the unenviable position of trying to maintain solvency while serving an extremely small customer base. Additionally, due to the condition of the real estate market, the developer of the Eagle’s Landing neighborhood is unable to continue subsidizing the operations of the Company, leaving the company in dire financial straits.

### **D. Request for Mediation**

The Company requests that the Commission allow the parties to attempt to resolve the customers’ complaints through mediation provided by the Division of Public Utilities.

The Company erroneously failed to respond to the informal complaint by the customers, but wishes to resolve the customers' complaints with as little expense and inconvenience to the customers and the Company as possible. Formal proceedings before the Commission as are currently scheduled represent the "last resort in the complaint process" (according to the Commission's own formal complaint instructions) and the Company hopes to preserve such proceedings as a true last resort. The Company believes that mediation may provide a more efficient and cost-effective alternative to formal proceedings and desires the Commission to allow such mediation. The Company also recognizes that, should mediation fail, the option of pursuing the formal complaint through formal Commission proceedings would still be available to the complainant customers.

#### **E. Miscellaneous**

Correspondence or communications pertaining to this filing should be directed to:

Attorneys for the Company:

J. Craig Smith  
(jcsmith@smithlawonline.com)  
Adam S. Long  
(along@smithlawonline.com)  
SMITH HARTVIGSEN, PLLC  
175 South Main Street, Suite 300  
Salt Lake City, Utah 84111  
Telephone: (801) 413-1600  
Facsimile: (801) 413-1620

**WHEREFORE**, the Company respectfully requests that the Commission enter an order or take other action authorizing the Division of Public Utilities to attempt to conduct mediation between the Company and the complainants.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**SMITH HARTVIGSEN, PLLC**

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J. Craig Smith  
Adam S. Long  
*Attorneys for Eagle's Landing Water Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, I served a true and correct copy of the foregoing **MOTION FOR ORDER ALLOWING MEDIATION** 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:

Brent & Raeleen Duncan  
HC13 box 312  
Fairview UT 84629

Elmo & Bonnie Richins  
HC13 box 310  
Fairview, UT 84629

Trevor & Jessica Butterfield  
HC13 box 311  
Fairview UT 84629

John & Mary Gavrila  
HC13 box 302  
Fairview UT 84629

Gene & Betty Allen  
HC13 box 308  
Fairview UT 84629

Chris and Sheri Paulos  
HC13 box 300  
Fairview UT 84629

Ronald & Phyllis Workman  
HC13 box 307  
Fairview UT 84629

Gary & Pam Monson  
HC13 box 309  
Fairview UT 84629

Dustin & Brenda Bates  
165 Highland Hills Blvd  
Decatur TX 76234

Bryan & Teresa Young  
HC13 box 314  
Fairview UT 84629