

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Harmony Heights Water Company for Public Service Commission Regulation or Exemption for Water and Wastewater Companies

DOCKET NO. 17-2184-01

ORDER GRANTING EXEMPTION
FROM REGULATION AND
CANCELLING CERTIFICATE OF
PUBLIC CONVENIENCE AND
NECESSITY

ISSUED: June 19, 2017

BACKGROUND

On May 6, 1992, the Public Service Commission of Utah (PSC) granted Harmony Heights Water Company (Harmony Heights) Certificate of Public Convenience and Necessity (CPCN) No. 2631.

On April 28, 2017, Harmony Heights' customers representing 35 connections attended the company's annual shareholder meeting and voted to regulate rates through a locally elected water board rather than through the PSC. Therefore, on May 17, 2017, Harmony Heights filed with the PSC a request for exemption from regulation, representing that the company provides service exclusively to persons who are members and shareholders of the water company.

On June 15, 2017, the Division of Public Utilities (Division), having reviewed the request for exemption, filed a memorandum in this docket. In the memorandum, the Division noted that a water system providing service exclusively to shareholders of the water company does not meet the definition of a public utility. Utah Code § 54-2-1(35). Therefore, the Division recommended that the PSC grant Harmony Heights's request for exemption from regulation.

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ORDER

Based on the foregoing, CPCN No. 2631 is canceled, and Harmony Heights Water Company is exempted from PSC regulation. The letter of exemption is attached to this Order as Exhibit A.

DATED at Salt Lake City, Utah, June 19, 2017.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed June 19, 2017 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#294754

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 PSC 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 PSC 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 PSC'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.

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Exhibit A



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Public Service Commission

THAD LeVAR
Chair

DAVID R. CLARK
Commissioner

JORDAN A. WHITE
Commissioner

LETTER OF EXEMPTION NO. 233

June 19, 2017

Harmony Heights Water Company
c/o Dallan Jessen, President
722 E. 200 S.
New Harmony, UT 84065

Dear Mr. Jessen,

The PSC has reviewed the proposed application for exemption, filed on behalf of Harmony Heights Water Company (Harmony Heights) on May 17, 2017.

On June 15, 2017, the Division of Public Utilities (Division) recommended that the PSC grant the request for exemption because Harmony Heights serves "only customers located within its service area boundaries that are members of the water company[.]" Utah Code Ann. § 54-2-1(35) excludes water corporations from PSC jurisdiction that distribute water only to their stockholders or members. Thus, it appears an exemption for Harmony Heights is appropriate.

Please be advised that this Letter of Exemption No. 233 is granted pursuant to the representations contained in Harmony Heights's application and on the basis of the Division's conclusion that Harmony Heights serves only its members and not the public generally. Harmony Heights has a continuing obligation to update the PSC within 30 days of any change.

This Letter of Exemption No. 233 is revocable for cause at any time. Please refer to this letter number in any future correspondence with either the PSC or the Division.

Sincerely,

/s/ Gary L. Widerburg
Commission Secretary
DW#294754

cc: Bill Duncan, Telecommunications/Water Manager, Division of Public Utilities
Mark Long, Utility Analyst, Division of Public Utilities

CERTIFICATE OF SERVICE

I CERTIFY that on June 19, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

David Jessen (jessendj@ldschurch.org)
Darrow Jessen (darrow@djessen.com)
Harmony Heights Water Company

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Assistant Utah Attorneys General

Erika Tedder (etedder@utah.gov)
Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant