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Application of Summit Vista Water Company for Exemption from Utah Public Service Commission Regulation	<u>DOCKET NO. 18-2604-01</u>  <u>ORDER GRANTING EXEMPTION FROM</u> <u>REGULATION</u>
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ISSUED: July 18, 2018

BACKGROUND

On May 30, 2018, Summit Vista Water Company (“Summit Vista”) filed an Application and Exhibits for Exemption (“Application”) from regulation by the Public Service Commission (“PSC”). On June 18, 2018, the Division of Public Utilities (“DPU”) filed a memorandum (“Memorandum”), recommending the PSC grant Summit Vista’s Application.

As represented in the Application and Memorandum, Summit Vista is currently engaged in a planned water system project that will serve Summit Vista Life Plan Community, a retirement/continuing care community under construction in Taylorsville, Utah (the “Project”). The Project will be Summit Vista’s sole customer and shareholder, and the Project is wholly within the Taylorsville-Bennion Improvement District (“TBID”).

The Application and Memorandum further represent Summit Vista owns no water rights and operates no water storage of independent water sources, rather Summit Vista will purchase water on a wholesale basis from TBID to serve the Project. TBID has committed to have sufficient water rights, storage, and sourcing for the Project.

The Application and Memorandum confirm Summit Vista will not provide water service to the public generally.

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ORDER

Because Summit Vista will serve only one customer, which is also its sole shareholder, and will not otherwise serve the public, the PSC concludes Summit Vista is exempt from the PSC's regulation and grants the Application. *See* Utah Code Ann. § 54-2-1(35). The letter of exemption is attached to this Order as Exhibit A.

DATED at Salt Lake City, Utah, July 18, 2018.

/s/ Michael J. Hammer  
Presiding Officer

Approved and confirmed July 18, 2018 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  
PSC Secretary  
DW#303521

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. 235

July 18, 2018

Summit Vista Water Company  
c/o Matthew E. Jensen  
101 S 200 E, Ste 700  
Salt Lake City, UT 84111

Dear Mr. Jensen,

The Public Service Commission ("PSC") has reviewed the proposed application for exemption, filed on behalf of Summit Vista Water Company ("Summit Vista") on May 30, 2018.

On June 18, 2018, the Division of Public Utilities ("DPU") recommended the PSC grant the request for exemption because Summit Vista "is providing water service to a single customer in its water service area boundary... [and] is not serving the public generally." Utah Code Ann. § 54-2-1(35) excludes water corporations from PSC regulation that distribute water only to their stockholders or members. Thus, it appears an exemption for Summit Vista is appropriate.

Please be advised that this Letter of Exemption No. 235 is granted pursuant to the representations contained in Summit Vista's application and on the basis of the DPU's conclusion that Summit Vista serves only its members and not the public generally. Summit Vista has a continuing obligation to update the PSC within 30 days of any change.

This Letter of Exemption No. 235 is revocable for cause at any time. Please refer to this letter number in any future correspondence with either the PSC or the DPU.

Sincerely,

/s/ Gary L. Widerburg  
PSC Secretary  
DW#

cc: Bill Duncan, Telecommunications/Water Manager, Division of Public Utilities  
Ron Slusher, Utility Analyst, Division of Public Utilities

CERTIFICATE OF SERVICE

I CERTIFY that on July 18, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Matthew E. Jensen ([mjensen@parrborwn.com](mailto:mjensen@parrborwn.com))  
Parr Brown Gee & Loveless

Ryan Bevan ([ryanbevan@gardnercompany.net](mailto:ryanbevan@gardnercompany.net))  
Summit Vista Water Company

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

Erika Tedder ([etedder@utah.gov](mailto:etedder@utah.gov))  
Division of Public Utilities

By Hand-Delivery:

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

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Administrative Assistant