

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Wilson Arch Water and Sewer Company for Letter of Exemption	<u>DOCKET NO. 18-2605-01</u> <u>ORDER GRANTING EXEMPTION</u> <u>FROM REGULATION</u>
--	---

ISSUED: September 12, 2018

BACKGROUND

On August 13, 2018, Wilson Arch Water and Sewer Company (“Wilson Arch”) filed a Request for Letter of Exemption (“Request”) from the Public Service Commission (“PSC”). On September 4, 2018, the Division of Public Utilities (“DPU”) filed a memorandum (“Memorandum”), recommending the PSC grant Wilson Arch’s Request.

Wilson Arch represents it is an active domestic non-profit corporation according to the records of the Utah Division of Corporations. Wilson Arch serves Wilson Arch Resort Community, which is a subdivision with 121 residential and 10 commercial customers, located 25.9 miles south of Moab, Utah. Wilson Arch is currently in operation and is presently working with the Utah Division of Drinking Water (“Drinking Water”) to ensure its compliance with all Drinking Water requirements. In its Memorandum, the DPU states it “believes that Wilson Arch meets the requirements as established by the [PSC] to operate free of [PSC] regulation and recommends that the [PSC] issue a Letter of Exemption to Wilson Arch.”

ORDER

Based on the representations in Wilson Arch’s Request and the DPU’s Memorandum, the PSC finds and concludes Wilson Arch is providing water and sewer services exclusively to its members and, therefore, does not meet the definition of a public utility per Utah Code Ann.

DOCKET NO. 18-2605-01

- 2 -

§ 54-2-1(35). The PSC concludes Wilson Arch is exempt from the PSC's regulation and grants the Request. The letter of exemption is attached to this Order as Exhibit A.

DATED at Salt Lake City, Utah, September 12, 2018.

/s/ Michael J. Hammer
Presiding Officer

Approved and confirmed September 12, 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#304397

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.

DOCKET NO. 18-2605-01

- 3 -

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. 236

September 12, 2018

Wilson Arch Water and Sewer Company
c/o Christina R. Sloan
76 S Main Street, Ste. 1
Moab, UT 84532

Dear Ms. Sloan,

The Public Service Commission (“PSC”) has reviewed the proposed request for exemption, filed on behalf of Wilson Arch Water and Sewer Company (“Wilson Arch”) on August 13, 2018.

On September 4, 2018, the Division of Public Utilities (“DPU”) recommended the PSC grant the request for exemption because Wilson Arch “is providing water and sewer services exclusively to its members.” 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 Wilson Arch is appropriate.

Please be advised that this Letter of Exemption No. 236 is granted pursuant to the representations contained in Wilson Arch’s application and on the basis of the DPU’s conclusion that Wilson Arch serves only its members and not the public generally. Wilson Arch has a continuing obligation to update the PSC within 30 days of any change.

This Letter of Exemption No. 236 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#304397

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 September 12, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Christina R. Sloan (sloan@thesloanlawfirm.com)
The Sloan Law Firm, PLLC

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