
Formal Complaint of Roger and Kim Arave
against Pineview West Water Company

DOCKET NO. 20-2438-01
ORDER DISMISSING COMPLAINT

ISSUED: February 2, 2021

BACKGROUND

On December 21, 2020, Roger and Kim Arave (“Complainant”) filed a complaint (“Complaint”) with the Public Service Commission (PSC) against Pineview West Water Company (PWWC). Complainant alleges that she was not notified of PWWC’s request for a rate increase (“PWWC general rate case”), and that she has been involved in a lawsuit against PWWC since 2012. Complainant alleges that PWWC did not include her property in the PWWC boundaries even though her residence “is connected” to PWWC and has paid water fees since 2007. Complainant consequently requests that the PSC delay its decision in the PWWC general rate case.

On December 22, 2020, the PSC issued a Notice of Filing and Comment Period. On January 12, 2021, PWWC filed its answer recommending the PSC dismiss the Complaint (“Answer”). PWWC indicates Complainant is not a member of and owns no interest in PWWC. PWWC explains Complainant owns her own culinary well and water rights to culinary and irrigation water for her residence.¹ PWWC further explains it is providing water to Complainant from PWWC’s wells at contract rates under PWWC’s 2009 tariff while Complainant’s interference claims against PWWC are litigated.² PWWC also states that “[u]nlike [PWWC’s]

¹ Answer, at 2.

² *Id.*

members, [Complainant] ha[s] never invested in [PWWC's] diversion, storage, or distribution facilities; [Complainant] ha[s] simply purchased water at the contract rates set in the tariff approved by the [PSC].³ PWWC then states that the filings are public and are available to the public.

FINDINGS, CONCLUSIONS, AND ORDER

PWWC provided initial notice of its intent to file the PWWC general rate case December 12, 2019. PWWC subsequently worked with the Division of Public Utilities to complete its filing which was deemed complete as of May 31, 2020. For instance, PWWC submitted a copy of the December 31, 2019 notice it sent to PWWC's shareholders informing them of PWWC's request and explaining the reasoning for, a rate increase, filed with the PSC April 24, 2020 as PWWC Exhibit 12. The PSC issued a notice of telephonic scheduling conference for the PWWC general rate case to the general public June 1, 2020. Testimony and pleadings were filed in June 2020, October 2020, and November 2020. Complainant filed its public comments in the PWWC general rate case December 3, 2020, and filed this Complaint December 21, 2020, reiterating its public comments in the PWWC general rate case.

Utah Code Ann. § 54-7-12(3)(a) requires the PSC to issue its orders in all general rate case filings (including the PWWC general rate case) for public utilities within 240 days of a complete filing. In addition, the PSC has no jurisdiction over the dispute between Complainant and PWWC. The PSC issued its order in the PWWC general rate case January 25, 2021. Because the PSC has no jurisdiction over the underlying dispute between PWWC and Complainant, and

³ *Id.*

given Complainant's sole request was for the PSC to delay an order that was issued January 25, 2021, there is no longer a basis for the Complaint and the PSC dismisses it accordingly.

DATED at Salt Lake City, Utah, February 2, 2021.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and confirmed February 2, 2021 as the Order of the Public Service
Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#317219

Notice of Opportunity for Agency Review or Rehearing

Pursuant to §§ 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing of this Order by filing a written request with the PSC within 30 days after the issuance of this 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 does not grant a request for review or rehearing within 30 days after the filing of the request, 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 §§ 63G-4-401 and 63G-4-403 of the Utah Code and Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on February 2, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Roger and Kim Arave (araveclan@gmail.com)

Peter Turner (pwwceden@gmail.com)
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