

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of North Fork Cottages Water Company for Exemption	<p style="text-align: center;"><u>DOCKET NO. 21-2625-01</u></p> <p style="text-align: center;"><u>ORDER GRANTING EXEMPTION FROM</u> <u>REGULATION</u></p>
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ISSUED: February 1, 2021

BACKGROUND

On January 6, 2021, North Fork Cottages Water Company (“North Fork”) filed an Application and Exhibits for Exemption (“Application”) from regulation, with the Public Service Commission (PSC). On January 25, 2021, the Division of Public Utilities (DPU) filed a memorandum (“Memorandum”), recommending the PSC grant North Fork’s Application.

The Application and Memorandum represent that North Fork currently has ten residential water customers/shareholders in its service area located in the North Fork area of Provo Canyon, Utah. In its Application, North Fork indicates the water system has been in use since the 1940s and has existed in its current form with existing infrastructure since the 1960s. North Fork further indicates that it is currently working with the Utah Division of Drinking Water, for approval of its existing system and commits to making updates to it, as required.

In its Memorandum, DPU reports the Utah Division of Corporations’ records show North Fork as an active domestic non-profit corporation in good standing.

The Application and Memorandum confirm North Fork’s articles of incorporation do not allow it to provide water service to the public generally, and only to its shareholders.

ORDER

Because North Fork will serve only its shareholders and will not otherwise serve the general public, the PSC concludes North Fork is exempt from the PSC's regulation and therefore grants the Application, consistent with Utah Code Ann. § 54-2-1(38). The letter of exemption is attached to this Order as Exhibit A.

DATED at Salt Lake City, Utah, February 1, 2021.

/s/ Yvonne R. Hogle  
Presiding Officer

Approved and confirmed February 1, 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#317206

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 30 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

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

## Public Service Commission

THAD LeVAR  
*Chair*

DAVID R. CLARK  
*Commissioner*

RON ALLEN  
*Commissioner*

### LETTER OF EXEMPTION NO. 239

February 1, 2021

North Fork Cottages Water Company  
c/o Christopher Bramwell  
32 E 460 N  
Vineyard, UT 84059

Dear Mr. Bramwell,

The Public Service Commission (PSC) has reviewed the proposed application for exemption, filed on behalf of North Fork Cottages Water Company (“North Fork”) on January 6, 2021.

On January 25, 2021, the Division of Public Utilities (DPU) recommended the PSC grant the request for exemption because North Fork “is serving only member customers located within its service area boundaries, it no longer meets the definition of a water corporation under Utah Code Ann. § 54-2-1(38) and is therefore not subject to the [PSC’s] jurisdiction.” Utah Code Ann. § 54-2-1(38) excludes water corporations from PSC regulation that distribute water only to their stockholders or members. Thus, it appears an exemption for North Fork is appropriate.

Please be advised that this Letter of Exemption No. 239 is granted pursuant to the representations contained in North Fork’s application and on the basis of the DPU’s conclusion that North Fork serves only its members and not the public generally. North Fork has a continuing obligation to update the PSC within 30 days of any change.

This Letter of Exemption No. 239 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#317206

CERTIFICATE OF SERVICE

I CERTIFY that on February 1, 2021, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Christopher Bramwell ([christopherbramwell@gmail.com](mailto:christopherbramwell@gmail.com))  
Director, North Fork Cottages Water Company

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

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

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Administrative Assistant