

## **Water and Wastewater Companies**

### **Application for Public Service Commission Regulation or Exemption**

Enclosed is an application designed by the Division of Public Utilities (DPU) intended to assist an applicant in determining if a water system qualifies as a public utility. Public utilities are subject to regulation by the Utah Public Service Commission (PSC or Commission).

In the regulation of water companies, the PSC can issue one of two different designations. The first is a Certificate of Public Convenience and Necessity (CPCN). A CPCN is required for any public utility providing service to the public generally. The Public Service Commission regulates companies with this designation. The second designation is a Letter of Exemption (LOE). An LOE is provided to companies providing water service that is limited to its members only and is not delivered to the public. As long as the company serves only its members, it is not serving the public generally. It is irrelevant how a member acquires their member status as long as a member's rights and duties are different than those of nonmembers.

Below is a list of governing rules and definitions that will help provide guidance in filing an application with the Public Service Commission. Please note that this is not a complete list of applicable rules and definitions that a company may need when applying for a CPCN or LOE.

**Utah Code:** [54-2-1](#) < [Click on link](#) >

Definitions (22) (a) "Public Utility includes ... water corporations [and] sewerage corporations ... where the service is performed for, or the commodity delivered to, the public generally..."

**Utah Code:** [54-2-1](#) < [Click on link](#) >

Definitions (38) "Water corporation"

Definitions (39) (a) and (b) "Water system"

**Utah Code:** [54-4-25](#) < [Click on link](#) >

Certificate of convenience and necessity prerequisite to construction and operation.

**Utah Code:** [54-4a-6](#) < [Click on link](#) >

Objectives of the DPU.

**Utah Administrative Rule:** [R746-330](#) < [Click on link](#) >

Rules for Water and Sewer Utilities Operating in Utah.

**Utah Administrative Rule:** [R746-332](#) < [Click on link](#) >

Depreciation Rates for Water Utilities.

**Utah Administrative Rule:** [R746-405](#) < [Click on link](#) >

R746-405-1. Filing of Tariffs. General Provisions.

R746-405-2. Filing of Tariffs. Format and Construction of Tariffs.

Legal name of applicant (company name): \_\_\_\_\_



## Questionnaire

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Please fill out the following questionnaire to assist you in determining if you are subject to PSC regulation. *(Please check only one for each question.)*

**Q1. Is this company providing water to anyone other than the owner (two houses or more)?:**

☐ **Yes**

If “**Yes**,” then please continue to **Question Q2**.

☐ **No**

If “**No**,” then this company or water distribution system is not subject to PSC regulation. You are not required to register with the PSC at this time. If your circumstances change, you may be required to register with the PSC at a later time.

**Q2. Is the company serving its members only and not to the public generally?**

☐ **Yes**

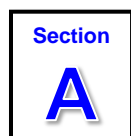
If “**Yes**,” then this company appears to meet the criteria to be exempt from PSC regulation. Please complete and provide the information requested in **Sections A, C, and D**.

☐ **No**

If “**No**,” then this company meets the criteria requiring it to be regulated by the PSC. Please complete and provide the information requested in all the sections (**Sections A, B, C, and D**).

Legal name of applicant (company name): \_\_\_\_\_

*Please Note: The information requested in the following sections covers the basic items of interest to the Division of Public Utilities. The list does not necessarily include all things the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional details may be requested as the Division and Commission become more familiar with the applicant's particular circumstances.*



**The following items are required with this application for ALL applicants, both regulated and exempt.**

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The following documentation **MUST** be provided to be considered complete. Incomplete applications will **NOT** be considered.

- ☐ If doing business in Utah, please provide a copy of your Business License verifying proof of authority to conduct business in Utah. *(Attachment required)*
- ☐ Please provide verification of the review and approval of the water system by the Division of Drinking Water. *(Attachment required)*
- ☐ Please provide maps (8 ½" x 11") showing the location of the proposed water system relative to nearby towns and highways and the proposed platted subdivision. This map must also show the names and service area of any water utilities that are providing or proposing to provide similar service near or in any part covered by this applicant. *(Attachment required)*
- ☐ If this is an existing or operating water company, whether regulated or unregulated, please provide evidence showing that the Company notified its customers that it is seeking an exemption from regulation by the Public Service Commission of Utah. *(Attachment required)*
- ☐ I certify that this proposed water utility will not conflict with or adversely affect the operations of any existing certified public utility which supplies the same product or service to the public and that it will not constitute an extension into the territory of an existing public utility.

Initial Here:  \_\_\_\_\_

Legal name of applicant (company name): \_\_\_\_\_

Section

**B**

**Additional financial items to be included with this application for applicants applying for authority to operate as a regulated public utility.**

The following documentation **MUST** be provided to be considered complete. Incomplete applications will **NOT** be considered.

1

☐ **Proposed TARIFF**

Proposed tariff should include proposed rates and service rules and regulations. Applicant's tariff must comply with the format, construction, and elements as set forth in Utah Administrative Rule: [R746-405 < Click on link >](#) (Attachment required)

2

**Rates:**

For item 2, please select one of the following regarding rates and provide the information requested:

☐ **Proposed rates will cover the entire cost of service**

Please provide calculations to show that the proposed rates are based upon actual cost of service. (Attachment required)

**OR**

☐ **Developer agrees to subsidize costs**

If the proposed rates are less than the full cost of service, then the developer agrees to subsidize the water utility expenses until such time that the utility is self-sustaining through its customers' rates. (Attachment required)

3

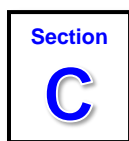
☐ **Balance Sheet**

In addition to providing a balance sheet for the water company, if the water company is to be, or was, constructed by a developer please provide a personal balance sheet for the developer to ensure that funds are available for the operations of the water company. (Attachment required)

☐ **Income Statement**

Please provide an historical income statement if the water company is already operating, or a projected income statement if not yet operating. (Attachment required)

Legal name of applicant (company name): \_\_\_\_\_



## APPLICATION

*(Must be completed by ALL applicants, both regulated and exempt.)*

The following information **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

1. Legal name of applicant (company name): \_\_\_\_\_

2. Principal office address, phone number, and email address:

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email address: \_\_\_\_\_

3. Name of the state in which the applicant is incorporated and date of incorporation

Name of State: \_\_\_\_\_ Date of Incorporation: \_\_\_\_\_

If not incorporated, describe the type of organization and state in which it is organized.

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4. The officers and directors (or partners) of the applicant are as follows:

Name	Title	Phone #	Email

Legal name of applicant (company name): \_\_\_\_\_

5. The type of service (water, sewer, or both) which applicant proposes to render is:  
(Please check the services that apply.)

☐ Water Only      ☐ Sewer Only      ☐ Both Water and Sewer

6. If the applicant is conducting operations at present, please enter the date applicant commenced rendering such service: \_\_\_\_\_

7. How Many Connections will the company serve and type (residential/commercial)?

Residential Customers: \_\_\_\_\_

Commercial Customers: \_\_\_\_\_

Total Number of Customers: \_\_\_\_\_

8. Please provide any other information not listed above that you consider relevant to this application.

Section

D

### Applicant Must Sign and Date below:

**I certify that to the best of my knowledge the above information is true, accurate and complete. I am in compliance with and agree to comply with all regulations and requirements of all State and local government agencies.**

Legal name of applicant (company name): \_\_\_\_\_



\_\_\_\_\_  
(This serves as my electronic signature)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

If you have any questions regarding the information, the Division is requesting, please feel free to contact us at (800) 874-0904 or (801) 530-7622.



### **PSC Filing Requirements**

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Please submit the application and required documentation via email with the Public Service Commission (PSC) to [psc@utah.gov](mailto:psc@utah.gov).

Additional filing options and for confidential information, further details may be found online at the following site:

<https://psc.utah.gov/psc-filing-requirements/>

If you have any questions regarding the PSC Filing Requirements, please contact the PSC at 801 530-6716

***Please Note:***

*A complete application includes all pages of the application (you may omit the first page that contains the laws and rules), all requested documentation, and an original signature on the signature page.*

*Electronic copies should include all files in their native formats. For example, all spreadsheets should be in their original EXCEL format, and documents should be in their original WORD format. Files formatted as Adobe PDF are acceptable to use for documents that must be copied or scanned from an original source.*

**(A \$100.00 filing fee must accompany this application. If applying for an EXEMPTION, the \$100 fee is waived.)**