

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Application of Wilderness Acres No. 20 Property Owners Association for Exemption	DOCKET NO. 24-2649-01 <u>ORDER GRANTING EXEMPTION FROM REGULATION</u>
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ISSUED: July 17, 2024

BACKGROUND

On April 10, 2024, Wilderness Acres No. 20 Property Owners Association ("WA20") filed an Application and Exhibits for Exemption ("Application") with the Public Service Commission (PSC). On May 20, 2024, the Division of Public Utilities (DPU) filed comments recommending the PSC grant WA20's Application.

The Application and DPU's comments represent that WA20 will serve 47 residential customers in a proposed Summit County, Utah, subdivision. Article XV of WA20's bylaws requires every lot owner to be a member of the association. WA20 states it supplies water only to its members and not the public generally.

DPU represents the records of the Division of Corporations and Commercial Code indicate WA20's status is "Active" and "Current." DPU highlights WA20's representation that it is currently working with the Utah Department of Environmental Quality (DEQ) to ensure the water system meets Utah Drinking Water Board standards. DEQ issued an "Initial Order for New Public Water System" on or about December 12, 2023.

ORDER

Relying on the veracity of WA20's representations in its Application and the DPU's comments, the PSC understands WA20 will serve only its members, not the general public. Critically, no opposition to the Application exists; that is, no person contests WA20's Application or disputes any representation it contains.

Therefore, based on the Application and DPU's comments, the PSC concludes WA20 is not a "water corporation" within the meaning of Utah Code Ann. § 54-2-1(39) and is not subject to the PSC's regulation. The PSC emphasizes these findings and conclusions are made in the absence of any opposition and relies on uncontested representations WA20 has made in its Application and supporting materials. If conditions materially change, WA20 must notify the PSC within 30 days.

The PSC grants the Application. A letter of exemption is attached to this Order as Exhibit A.

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DATED at Salt Lake City, Utah, July 17, 2024.

/s/ Michael Hammer
Presiding Officer

Approved and confirmed July 17, 2024, as the Order of the Public Service Commission of Utah.

/s/ Jerry D. Fenn, Chair

/s/ David R. Clark, Commissioner

/s/ John S. Harvey, Ph.D., Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#334714

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. §§ 63G4-401, 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

JERRY D. FENN
Chair

DAVID R. CLARK
Commissioner

JOHN S. HARVEY, Ph.D.
Commissioner

LETTER OF EXEMPTION NO. 247

July 17, 2024

Brad J. Rawson
Wilderness Acres No. 20 Property Owners Association
2636 W 650 N
Layton, UT 84041

Dear Mr. Rawson:

The Public Service Commission (PSC) has reviewed the proposed application for exemption filed on behalf of Wilderness Acres No. 20 Property Owners Association ("WA20") on April 10, 2024.

On May 20, 2024, the Division of Public Utilities (DPU) recommended the PSC grant the request for exemption because WA20 is a domestic non-profit corporation planning to serve 47 residential customers in a proposed Summit County, Utah, subdivision and will be serving only members. Pursuant to Utah Code § 54-2-1(39), water companies that distribute water only to stockholders or members are not "water corporations" subject to the PSC's regulation. Thus, it appears WA20's request for exemption from regulation by the PSC is warranted and appropriate.

Please be advised this Letter of Exemption No. 247 is granted pursuant to the representations contained in the Application and based on DPU's confirmation that WA20 will serve only its members. WA20 has a continuing obligation to update the PSC within 30 days of any change. Similarly, the PSC would be legally obliged to reevaluate the matter should any third party submit notice of facts suggesting that WA20 is subject to the PSC's jurisdiction.

This Letter of Exemption No. 247 is revocable for cause at any time. Please refer to this letter number in any future correspondence with either the PSC or DPU.

Sincerely,

/s/ Gary L. Widerburg

PSC Secretary

DW#334714

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CERTIFICATE OF SERVICE

I CERTIFY that on July 17, 2024, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Brad J. Rawson (bradr@mtvsd.com)
Marty Verhoef (verhoefglass@hotmail.com)
Chet Cragun (chetcragun@gmail.com)
Wilderness Acres No. 20 Property Owners Association

Patricia Schmid (pschmid@agutah.gov)
Patrick Grecu (pgrecu@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Administrative Assistant