BEFORE THE STATE OF UTAH PUBLIC SERVICE COMMISSION

In the Matter of Legacy Sweetwater Inc.'s Request for a Rate Increase	Docket No. 25-2280-03

TESTIMONY

J. MARK BAGLEY

ON BEHALF OF

LEGACY MOUNTAIN HOMEOWNERS' ASSOCIATION

SEPTEMBER 10, 2026

Q. Please state your name, business address, and occupation.

A. J. Mark ("Mark") Bagley. My business address is 4838 West Country Club Dr., Highland, Utah 84003. I am the President of the HOA

Q. On whose behalf are you testifying? and what is the purpose of your testimony?

A. I am testifying on behalf of the HOA.

Q. Have you previously submitted testimony before the Utah Public Service Commission (the "Commission")?

A. No, I have not.

Q. Have you previously submitted testimony before other state regulatory commissions?

A. No.

Q. Are you sponsoring exhibits in your testimony?

A. Yes. I am sponsoring Exhibit A.

Q. Please briefly describe the HOA?

A. The HOA is a non-profit community association. Its members include property owners of 213 lots in three subdivisions: Skyline Heights (62 lots), the Meadows (18 lots), and the Hollows (133 lots). All the lots within the HOA are in Legacy Sweetwater, Inc.'s ("**LSI**") service area.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to outline some of the history and context relating to LSI water service, management, and practices and provide the HOA's recommendations to the Commission with respect to this rate case.

Q. Please summarize the HOA's recommendations to the Commission.

A. The HOA recommends that the Commission deny the proposed tariff schedule ("**Proposed Rates**").

Q. Does the fact that you may not address an issue or position advocated by LSI indicate the HOA's support?

A. No. The fact that an issue is not addressed herein or in related filings should not be construed as an endorsement of, agreement with, or consent to any file position by LSI.

Q. What role does the HOA have in connection with LSI?

A. Formally, the HOA is not affiliated with LSI. The HOA was formed to, among other things, allow for the maintenance of common areas in the community. However, the HOA includes multiple subdivisions, all of which are within LSI's service area. As a result, the HOA periodically receives information about LSI and relays information about LSI to its members. For example, the HOA provides LSI's contact information on the HOA website, property owners periodically reach out to the HOA with concerns about LSI and, when common issues arise, such as water system outages, or the Commission's instant or prior proceedings relating to LSI, the HOA has also relayed information about these issues to its members. The HOA also notifies LSI of ownership changes for lots within the HOA.

Q. What is the basis for your recommendation to the Commission?

A. The HOA has concerns about the Proposed Rates. LSI has asserted that the water system was designed as a part-time system and now must be replaced with system designed and constructed for year-round use.[1] A significant portion of the costs used

[1] Direct Testimony of Shane Berry, pp. 5-6, lines 110-118.

in calculating LSI's Proposed Rates stem from a loan to be used for this purpose.[2] The HOA believes that these costs are duplicative and should not be passed on to LSI's customers.

Q. Can you explain how these costs are duplicative?

A. Many homeowners purchased lots in the HOA based on the perception that each lot was served (or had access to be served) by a year-round water system. As a result, lots in the LSI service area can command higher sales prices compared to lots in neighboring "dry" subdivisions. Comments submitted from HOA members in prior Commission proceedings (attached as **Exhibit A**) demonstrate homeowners' purchasing decisions were influenced by this factor.[3] These comments also indicate that homeowners' perceptions regarding the status of the water system was, at least in some cases, based on representations made by LSI's owners (or their predecessors) who sold lots in their capacity as the developer.[4] It is unreasonable for the developer (which is directly affiliated with LSI) to profit based on the representations that it has invested in a year-round water system for the benefit of homeowners, without actually making that investment or providing the claimed improvements. Homeowners are now learning that they did not receive what they already paid for and are being charged again (through the Proposed Rates) for LSI to construct a full-time water system.

Q. Does the HOA have additional concerns relating to the Proposed Rates?

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[2] Direct Testimony of Shane Berry, p. 6, lines 126-128; Ex. 15 to LSI's May 19, 2026 Updated Application for General Rate Increase, Interim Rate Increase, and Approve New Tariff.

[3] Dkt. No. 25-2280-02, Customer Comments from April 11, 2025, comments from Brendon and Stephanie Schmidt, Jared Berry, Judy and Randy Berg, Julianne Olson, Jason Turner, Craig and Charee Broadbent, Ralph and Linda Schmidt, Roger Tuttle, and Ken and Cheryl Allred).

[4] *Id.*, comments from Brendan and Stephanie Schmidt, Jared Berry, and Judy and Randy Berg.

A. Yes. In particular, the HOA is concerned that, based on LSI's historic management practices, even if the Proposed Rates are approved they will not be effective.

Q. Can you explain why you believe the Proposed Rates may not be effective?

A. Homeowners in the community periodically address questions and concerns regarding LSI's operations to the HOA, especially in cases where the concerns are commonly shared. Based on reports from HOA members, the HOA believes that LSI has been grossly mismanaged, and if those management practices continue, LSI may not be able to meet its financial obligations.

Q. What are LSI's management practices that the HOA is concerned with?

A. The most frequently raised issues relate to communication between LSI and its customers, LSI's billing practices, and LSI's ability to deliver water to homes within the HOA.

Q. How has LSI's communications with customers caused concerns for the HOA?

A. HOA members have reported that LSI routinely does not respond to calls, emails, and text messages.[5] The HOA has been advised that in some instances, customers have had to go to LSI's offices for routine matters such as invoicing and bill payments because communications through other means were not effective. Additionally, members have also noted that they have not received public notices from LSI, including those required for these proceedings and prior proceedings before the Commission. For example, on August 12, 2026, the Commission issued its Supplemental Notice of Filing and Order Directing Notice ("**Notice Order**") relating

[5] Exhibit A, comments from Brendon and Stephanie Schmidt, Austin Snow, Marcus Lunt, Mike Carlton, Donnie Welch, Debbie Bagley, Jason Turner, Clint and Carrie Dayley, Ken and Cheryl Allred, Loraine Carlton.

to this docket. The Notice Order requires LSI to provide supplemental notice to its customers regarding additional proposed revisions to LSI's tariff schedule no later than August 28, 2026. To date, the HOA is not aware of any homeowners that have received this notice.

Q. How have LSI's billing practices caused concern for the HOA?

A. LSI's historic billing practices have been inconsistent at best. HOA members have reported a number of billing issues including:

(i) homeowners do not receive billing invoices from LSI for many months even after customers contact LSI and request invoices;

(ii) homeowners submit checks for payments only to have those checks go unprocessed or returned by LSI;

(iii) customers set up automatic payments, but LSI does not process those payments;

(iv) LSI provides verbal assurances that property owners do not need to pay standby rates (despite the fact that standby fees are required under LSI's current tariff schedule), but LSI later bills those owners to collect many months of prior standby fees;

(v) lackadaisical collection efforts in general; and

(vi) preferential billing.

Q. Can you explain what you mean about lackadaisical collection efforts?

A. LSI has not made reasonable efforts to collect fees under its existing tariff schedule. This is evidenced, in part, by its failure to send invoices to customers and process payments. I have had discussions with Lorne Berry, LSI's president, during which he stated that historically, LSI has not collected payment from approximately 60% of the

lots within its service area. This has been a long-standing issue. On January 7 2015, Mark Long, in his capacity as an employee of the Utah Division of Public Utilities, notified Lynn Stratford (who at the time held an interest in LSI) that LSI was not in compliance with Commission regulations because it had not been billing or collecting standby fees. A copy of this correspondence is attached as **Exhibit B**.

Q. Can you explain what you mean about preferential billing?

A. LSI's owners also operate as the real estate developer for some of the subdivisions in LSI's service area. As a result, LSI's owners also own lots served by LSI. Property owners in the HOA have relayed that LSI does not bill and/or collect payment for lots owned by LSI's owners or lots owned by other individuals or entities affiliated with LSI's owners.

Q. Can you provide a brief summary of some of the water service issues that HOA members have experienced and described to the HOA?

A. In general, it seems that the water system operated relatively well, but serious issues developed during the last few years. HOA members have reported having very low or no water pressure at their homes. In at least one instance a pressure reducing valve failed resulting in extreme water pressure that ruptured plumbing and flooded a home.[6]

Q. Are there other service-related issues?

A. Yes. Homeowners advise that LSI does not promptly respond when notified of issues, but when LSI's owners are making use of their own lots, LSI makes temporary repairs, modifications, or adjustments to the water system to ensure that the owners' lots have adequate water service. Additionally, LSI issued a boil order that has been in place for

[6] Exhibit A, comment from Kirk Gamble.

more than a year. LSI has related that although no longer required by the Utah Division of Drinking Water, LSI has chosen to keep the boil order in place because several homeowners have installed storage tanks that do not have adequate backflow prevention measures. However, we have not seen any indication that LSI has taken any enforcement action against these homeowners to require compliance.

Q. What impact do these issues have with respect to the tariff schedule proposed by LSI ("Proposed Rates")?

A. Based on these issues, the HOA believes that LSI has been mismanaged for many years, which gives rise to two concerns in connection to the Proposed Rates. The first concern is that LSI will continue to manage the water system in the same manner it has historically. In particular, if LSI fails to bill its customers and collect revenue, then LSI may still end up in the same financial distress that it seeks to avoid through this rate case, and approving the Proposed Rates without ensuring that LSI will be properly managed will only harm customers. The second concern is that portions of the costs identified by LSI in calculating the Proposed Rates could have been avoided if LSI had been managed appropriately. In other words, LSI's own mismanagement may have contributed to some of the costs that LSI now seeks to pass on to its customers. The HOA believes that such a proposition is unreasonable.

Q. Does this conclude your testimony?

A. Yes.

EXHIBIT A

CUSTOMER COMMENTS SUBMITTED APRIL 11, 2025

DOCKET NO. 25-2280-02

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-10-2025 Schmidt

1 message

STEPHANIE SCHMIDT <brenschmidt@comcast.net> Thu, Apr 10, 2025 at 5:15 PM
To: "psc@utah.gov" <psc@utah.gov>

To Whom It May Concern,

We own lots 107 and 108 in the Hollows at Legacy Mountain and such are customers of Legacy Sweetwater. We have many concerns when it comes to Legacy Sweetwater.

1. They are **terrible** with sending out invoices and collecting payments. We were set up on autopay and still had problems. When we did receive the occasional invoice, they were incorrect. It always showed that we owed months that had actually been paid. We would email "Maggie" and have to attach pictures of the payments coming out of our account. She would then get it corrected for a short time. Then suddenly the autopay stopped. We never received invoices and I even emailed "Maggie" to request an invoice and inquire about why our autopay was not working. We would never receive a response or the requested invoices.
2. The realtor that we used, sold us on these lots with the promise of every lot having water and power. This was the biggest selling point for us and is the primary reason we bought in Legacy Mountain. It was never mentioned that the water was "seasonal" as they now wish to be. Our realtor was Dave Anderson, who we recently found out is the Vice President of Legacy Sweetwater! What a conflict of interest! He should not be advertising that each lot has water and power if that's not really the case.
3. The proposed rate increase to $250 per month is absolutely extreme! We don't even pay that in West Jordan when we have the summer sprinklers going. If the rate increase is successful, we would pay over $6000 a year for our 2 lots. We cannot afford this and would be forced to sell our property.
4. The past 3 years, the water has been unreliable. We never know if our cabin will have water when we go each weekend. There has **never** been notification from the Legacy Sweetwater about water availability until a fellow lot owner brings it up on Facebook. These outages are typically in the summer, even on holiday weekends. This is not a seasonal problem, it is a year-round problem.
5. In Legacy Sweetwater's request to be exempt from the Public Utility Commission, the state that they have 5 employees trained in water-related fields. Who are they? We only know of 1.

We hope this helps you understand the experience of the customers of Legacy Sweetwater. If they are granted exemption from the Public Utility Commission, who will they be accountable to?

Thank you,
Brendon and Stephanie Schmidt

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02, Legacy Sweetwater Reply Comments, 4-10-2025, Berry

1 message

Jared Berry <jareberr@gmail.com> Thu, Apr 10, 2025 at 6:40 PM
To: psc@utah.gov

To Whom It May Concern,

Legacy Mountain has been marketed as a “year-round access” mountain community since 2006, when the initial water well was drilled. The development of the water and power infrastructure was overseen by Hilltop Ventures, in partnership with High Tower Properties. At that time, Hilltop Ventures began assuming control of the mountain’s development and ultimately acquired High Tower Properties’ interest.

Mr. Lorne Berry served as a project manager for Hilltop Ventures and partnered with Mr. George Brimhall and Mr. Lynn Stratford. During the development phase, Legacy Sweetwater was formed and initially owned by the three partners. Since then, Mr. Berry has acquired full ownership of Legacy Sweetwater, purchasing the remaining interests from Mr. Brimhall and Mr. Stratford.

From the outset, every property owner in Legacy Mountain purchased their lot with the understanding—explicitly promised by Mr. Berry—that water would be available year-round. This expectation was consistently met until recent years, when the water system began to deteriorate.

A key individual in the installation and maintenance of the water system was Mr. Corky Maughan. Hired by the original developers, Corky had an in-depth understanding of the infrastructure, having installed the system himself. Once construction was completed, Legacy Sweetwater retained Corky to manage ongoing maintenance. While the system had its flaws, Corky’s expertise ensured it remained operational and met the needs of the community.

Regrettably, Mr. Maughan passed away in the Fall of 2022. With his passing, the community lost not only his skills but also the institutional knowledge he never documented or transferred. Corky preferred to work independently and resisted training a successor, which has left a significant gap in expertise. Since his passing, Legacy Sweetwater has struggled to maintain the system effectively, and no qualified replacement has been brought on board.

In a recent letter to the Public Service Commission (PSC), Mr. Dave Anderson stated that Legacy Sweetwater employs five individuals who are “trained in various water-related fields.” As a community, we respectfully question the accuracy of this statement. We request detailed documentation regarding each employee’s training and relevant work experience prior to joining Legacy Sweetwater.

It is our belief that Legacy Sweetwater is currently under qualified to manage the system. There are obvious leaks throughout the infrastructure—some in locations only known to Corky. Without personnel possessing the necessary experience and technical knowledge, these issues are unlikely to be resolved adequately. Transitioning to a privately regulated water company, solely for the purpose of raising rates, will not address the fundamental issue of operational competence.

The majority of property owners at Legacy Mountain strongly believe that Legacy Sweetwater is not prepared for self-regulation. We feel the community’s water infrastructure would be better served and protected under state oversight.

Additionally, granting Legacy Sweetwater an exemption from PSC regulation would have severe consequences for property values. The company has expressed intentions to only provide water on a seasonal basis if the exemption is approved. This would make the properties significantly less attractive to potential buyers and could even render many cabins uninsurable or increase insurance costs due to uncertainties around fire hydrant water availability.

For these reasons, we strongly urge the Public Service Commission to **deny** Legacy Sweetwater’s request for exemption.

Sincerely,

Jared Berry
Owner of lots 68 & 69 in the Hollows at Legacy Mountain

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-10-2025 Snow

1 message

Austin Snow <snow.austin18@gmail.com> Thu, Apr 10, 2025 at 6:59 PM
To: psc@utah.gov

To whom it may concern,

I have been a member of the legacy mountain HOA for not quite a year yet. From the very beginning we have had issues with Legacy Sweet Water. We were not reviving a bill for our monthly fee for water. We reached out via text and email several times to correct this issue and pay for the fees with no response. The one time they did respond was to tell us they were switching payment systems. We filled out direct deposit forms and submitted them. Not once have we received a bill from legacy sweet water.

We wanted to have a meter installed on the property so we filled out the form and sent it in inquiring how we can pay the $3,000 that was due for the meter. We did not receive a response. I went into the offices, and delivered my filled out form and a $3,000 check to Maggie at her desk. I told her we have not been receiving bills. She checked to make sure she had our email, which she did and said, “we aren’t too worried about collecting that, don’t worry about it.” They have yet to cash my $3,000 check that I delivered to them over 6 months ago.

PublicService Commission <psc@utah.gov>

RE: Docket No. 25-2280-0,2 - Legacy Sweetwater, reply comments 4/10/2025, J. Berg

1 message

Judy Berg <heyjudyberg@hotmail.com> Thu, Apr 10, 2025 at 8:23 PM
To: "PSC@utah.gov" <PSC@utah.gov>

Comments in regards to the above Docket No. Regarding Legacy Sweetwater asking to be removed from the Public Service Commission.

My husband and I sincerely feel that the water company needs to stay under control of the PSC. Our overall concern is that without oversite by the PSC we as owners could be charged anything they desire to charge us with no control or restrictions.

As a property/cabin owner in Legacy Mountain HOA subdivision in Sanpete County, I am opposed to Legacy Sweetwaters request to be removed from the PSC for the following reasons.

1. I have served as treasurer for Legacy Mountain HOA for approximately 14 years. Each year our members are billed by the HOA and pay their HOA due's 100% of the time. Sweetwater personnel have told me that they only collect from about 20% of the owners. In talking to several of our owners, I have been told that they never get bills from the water company, either in the mail or electronically.

2. Members have told me that they have sent checks to the water company in good faith, only to have the checks either returned or never cashed.

No doubt I am given this information from our members because of my capacity regarding finance in the HOA. Upon Legacy Sweetwaters request and In order to help Legacy Sweetwater get their books in order, I have sent member owner lists to Legacy Sweetwater on at least 3 occasions, complete with Lot #'s, Owners Names, Address, Phone numbers and emails. Each time a property changes hands I email Legacy Sweetwater the same information I just spoke of regarding the new owners along with a copy of the warranty deeds. Each time a property goes up for sale, I get an inquiry from the title company handling the sale. I inform the title company of the name and contact information of Legacy Sweetwater so that the title company can be sure the property is in good standing with Legacy Sweetwater.

Upon receipt of the warranty deed, I send a letter to the new owner with facts about the community as well as the water company information.

We have 213 lots in Legacy Mountain, several members have multiple lots for a total of 150 owners currently. 45 members with cabins either in the process of being built or built. Legacy Sweetwater also furnishes water to Willow Glen, Northridge and Southridge. Subdivisions in the next ridge South of Legacy Mountain HOA, water runs from the well at the top Northeast corner of Legacy HOA, through Legacy HOA to reach those other three subdivisions that are not part of Legacy HOA. Some cabins in those subdivisions are owned by owners of Tranont, as well as 22 unimproved lots in Legacy. I would assume they should be required to pay the same standby water fees as we do.

Our cabin was purchased with the assurance of year-round water from the previous owner of the water company before it was transferred to Tranont, (the parent company of Legacy Sweetwater), with no notice given to property owners or the HOA. (Tranont, is an investment company, not a water company) we feel

that they have not done a good job in performing billing, collections etc. in order to keep Legacy Sweetwater in good condition.

Our cabin is used year-round. We depend on water being available.

Thanks for your consideration of our concerns,

Judy Berg
Randy W. Berg
Legacy Mountain HOA
The Hollows Lot 91
heyjudyberg@hotmail.com
801-597-1557

PublicService Commission <psc@utah.gov>

Re: Water System for Legacy Mountain HOA, Fairview, Utah. Owners serviced by Legacy Sweetwater

1 message

Marcus Lunt <marc.lunt@gmail.com> Thu, Apr 10, 2025 at 9:34 PM
To: psc@utah.gov

To Whom it May Concern:

I am a lot owner at Legacy Mountain Subdivision in Fairview Utah. I am very concerned about the current water system serviced by

Legacy Sweetwater. They claim they have had to put more monies into servicing the water system than they are receiving in fees.

In the 3 years I have owned my lot, I have had a lot of trouble trying to pay them my water fees. They used Quickbooks at first,

which seemed to be OK, but that payment source stopped and no alternative system or process was given. I have called and sent

email messages several times to no avail. I have sent checks to their corporate offices and they have been returned.

I know they are claiming losses, but they have a lot of money uncollected from lot owners that we need a way to pay them. It is my

judgement if they had a good accounts receivable system, they would not be in the Red on their books.

Marcus Lunt

Lot 92, Hollows Sub-division

Legacy Mountain, Fairview, Utah

Marc.lunt@gmail.com

801-800-6554

PublicService Commission <psc@utah.gov>

basement flood

1 message

kirk gamble <cabinman106@gmail.com> Thu, Apr 10, 2025 at 10:03 PM
To: psc@utah.gov

Two years ago the PRV valve that has not been maintained for years, push 300psi into my Cabin, blowing the main water line. Causing 35,000 dollars worth of Damage. Legacy Sweetwater was contacted and did not care or even offer to do anything about it. my insurance went up 1,000 dollars per year due to flood. Kirk and Aimee gamble Hollows lot 106

PublicService Commission <psc@utah.gov>

Docket No 25-2280-02

1 message

J Mark Bagley <jmarkbagley@hotmail.com> Thu, Apr 10, 2025 at 10:41 PM
To: "psc@utah.gov" <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-10-2025 Bagley

Problems have significantly increased the last 2 years with Legacy Sweetwater operations – Extreme water pressure blowing out plumbing and flooding basements. The current "boil water advisory" resulting from big leaks, empty water tank, and low or no water pressure.

My biggest concern is about the financial stability of Legacy Sweetwater. Lorne & Shane Berry stated, "that 60 % of owners have never paid any water fees". That's 19 years!!!! But they have never attempted to collect these fees or raise their rates since 2006. Docket #22-2280-01 (Aug 2022) and docket #25-2280-01 (Jan 2025) both requested a rate increase – one was abandoned and the other canceled. Current docket #25-2280-02 seeks exemption from the PSC because of concerns about "the delay and expense of a formal rate case". That was part of their job for the last 19 years - and they did nothing.

Another concern, their docket states, "Legacy currently serves 159 customers (63 connected and 96 standby). In Legacy Mountain HOA we have 213 Lots with about 150 individual owners. Legacy Sweetwater supplies water to 3 additional subdivisions outside our HOA (Northridge, Southridge, and Willow Glen). The water company stated there are 43 additional customers in these subdivisions. This totals 256. They are missing 97 customers! Whether connected or standby – the tariff requires the same monthly payment.

Bottom line - 60% have never paid, 97 unknown customers, for 19 years, leading to an underfunded water company. They were both the developer and the water company owners/manager. In my opinion, they made money selling lots, but dropped the ball on maintaining the water company. They are the perfect example of why the Public Service Commission exists - to oversee public utilities that cannot self manage.

Mark Bagley

4838 West Country Club Dr, Highland, Utah

801-372-3120

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-10-2025 Olson

1 message

Julianne Olson <JOlson@big-d.com> Thu, Apr 10, 2025 at 10:56 PM
To: "psc@utah.gov" <psc@utah.gov>

Subject: Opposition to Legacy Sweetwater's Request for PSC Exemption

Dear Utah Public Service Commission,

I am writing to strongly oppose Legacy Sweetwater's request for exemption from PSC oversight and to express concerns about their handling of water services at Legacy Mountain.

Legacy Sweetwater's claim to be in "good standing" is misleading. Over the past two years, the company has failed to communicate basic information to customers, including a Boil Water Advisory issued in February 2025. Despite repeated efforts to contact them, we received no communication, statements, or updates. This failure to notify us and other property owners is unacceptable and violates required protocols.

Since the tragic loss of an employee who had to be recovered by an HOA rescue team, the system has been poorly maintained, and their response has been negligent. Allowing Legacy Sweetwater to become a non-public entity, free from PSC regulation, would be a serious mistake. It would undermine the original intent of the community and the water service that was promised to property owners when the lots were sold.

The company's request to raise water rates by over 900%—from $25 to $250—shows gross mismanagement. Legacy Sweetwater has not raised rates in a timely manner to cover operational costs, and their current proposal only highlights their failure to plan and manage the system properly.

A public utility should not be allowed to privatize services, raise rates without accountability, and abandon its infrastructure. I am also concerned about the original relationship between the developer and Legacy Sweetwater, which promised full water services for the properties. This request to reduce services is a betrayal of that promise.

I urge the Commission to reject Legacy Sweetwater's request for exemption and maintain oversight to ensure the safety and reliability of water services for residents. Their mismanagement warrants continued

state oversight, and allowing them to operate without it would jeopardize the well-being of the community.

Thank you for your consideration. I look forward to your response.

Sincerely,
Julianne Olson
Skyline Heights Lot 20

JULIANNE OLSON
SENIOR HSE ADMINISTRATOR
404 West 400 South, Salt Lake City, UT, 84101
O: +1 (801) 415-6058 | **M:** +1 (801) 381-3065

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-0,2 Legacy Sweetwater, Reply Comments, 4-11-2025, Carlton

1 message

Mike Carlton <mcarlton1@gmail.com> Fri, Apr 11, 2025 at 8:27 AM
To: psc@utah.gov

I am the owner of Hollows 51 in the Legacy Mountain development in Sanpete County. This development has potable water service by Legacy Sweetwater (LS). LS has notified the owners via mail and email of a boil order advisory and of their intent to be except from the Public Utility Commission's monitoring and oversight. My understanding of the situation is they are running out of money to maintain the system.

I do not have a cabin or structure on my lot, but am subject to a $25 water fee each month to hold a "reservation" for a future connection. When I purchased my lot in 2022, I communicated with LS (via phone calls and emails) that I would provide them a credit card number for them to charge each month for that reservation fee. They have charged my credit card sporadically up until May of 2024, when they suddenly stopped. I received no communication from them via phone call, email, or mail to show I had a balance owing. I have reached out via phone call and email, but have had no reply to my voicemails and emails. It was as if they just stopped charging me. Through conversations with other owners, I am not the only owner that has had this happened to.

If LS is running out of money to maintain this system, I suggest they look at their administration processes first to get collections corrected. It appears they are missing out on collecting money that would allow them to function properly.

They have an obligation to provide safe and reasonably priced drinking water. I urge the PSC to not allow them to be except from the Public Utility Commission oversight.

Mike Carlton
801-793-0443
Owner of Hollows Lot 51

PublicService Commission <psc@utah.gov>

Docket #25-2280-02

1 message

donnie welch <welchdonnie1@gmail.com> Fri, Apr 11, 2025 at 8:47 AM
To: "psc@utah.gov" <psc@utah.gov>

Legacy Sweetwater Reply Comments
4-11-25 Welch

I have owned a cabin at Legacy Mountain for nearly 9 years. During this time it has been an ongoing challenge in regards to Legacy Sweetwater. We have had to chase them down numerous times in regards to billing or basic questions. Usually with no reply. In regards to the latest issues, I am very concerned. First, I only saw the "Boil water advisory Letter" on April 10 and that was only due to a fellow cabin owner posting a link to the Public Service utilities commission postings. Even though they have my email address and phone number. Second, I do not see how we would be considered a shareholder vs a member of the general public. My cabin is in a geographical area and that is the reason we have used Legacy Sweetwater. Third, Legacy Sweetwater says their customers were notified of an exemption request in February and once again, many of us never saw that letter. I saw that request on April 10. Lastly, to say in their letter that many customers support increasing prices for repairs and then request a minimum 1000% monthly increase and calling it reasonable is beyond stunning and misleading.

I believe for these reasons and other management issues is exactly why the utilities commission should maintain oversight.and not allow an exemption.

Thank you
Donnie Welch

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater, Reply Comments

1 message

Debbie Bagley <debbie_bagley@hotmail.com> Fri, Apr 11, 2025 at 10:23 AM
To: "psc@utah.gov" <psc@utah.gov>

Docket No. 25-2280-02, Legacy Sweetwater, Reply Comments, April 10, 2025, Bagley

To Whom It May Concern,

I strongly feel that Legacy Sweetwater should NOT be exempt from the Public Utility Commission. I have personally

had problem after problem with their billings. I have not received bills and when checks have been mailed in, they

haven't been cashed. I asked if I could do Bill Pay and they don't do that. So, last summer I gave them all my information

for autopay. The autopay went through one time, and hasn't drawn the last 3 quarters (they are on a quarterly billing cycle)

I have called and left messages and emailed them several times, and there is no response. They are not capable of being on

their own and not being under the Public Utility Commission. They claim they don't have money and want to 10 times our

current rates. But they are doing nothing to collect the water fees!!! They are not responsible to run a water company,

especially on their own.

After 4 years, I just completed my service as the Legacy Mountain HOA Secretary. As the secretary, I received

so many calls from members who were dealing with similar problems that I've been having. We are all so frustrated with

Legacy Sweetwater! We have had so many problems with our water service, and are currently under a Boil Advisory until

they fix the problems that have been problems for over 1 1/2 years. They are not acting as a public water utility

company and servicing their members. THEY ARE NOT CAPABLE BEING ON THEIR OWN.

We need your help to govern over them – PLEASE!

Thank you for your consideration.

Debbie Bagley

Sent from Outlook

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-10-2025 Turner

1 message

hometurner <agent.jturner@gmail.com> Fri, Apr 11, 2025 at 9:51 AM
To: psc@utah.gov

To Whom It May Concern,

I am an owner of Lots 70 and 74 in the Legacy Sweetwater community and am writing to express my concerns regarding the request for exemption from Public Service Commission (PSC) regulation.

While I understand Legacy's desire to self-regulate, I must voice serious concerns about the company's past and ongoing performance. The reliability of water service has been a repeated issue. At one point, due to a lack of water access, I was forced to melt snow in my bathtub just to meet basic needs. Currently, we remain under a boil advisory due to broken pipes—one of several incidents that highlight the company's struggle to maintain infrastructure.

As a Realtor, I have sold many lots in the area under the promise of reliable, year-round water service. These promises now feel misleading. Water service interruptions, delayed maintenance, and poor communication from Legacy directly affect property values and public trust.

There are also concerns about public safety. I have yet to receive sufficient assurance that our fire hydrants are reliably supplied with water in the event of an emergency. This is not just inconvenient—it's dangerous.

Attempts to make payments to Legacy Sweetwater have been problematic, with some payments being returned or left unprocessed. When issues are raised, responses often take months and in some cases up to a year. This pattern does not inspire confidence in Legacy's ability to operate independently without regulatory oversight.

While the company may be in "good standing" on paper, the reality on the ground tells a different story. Simply changing Legacy's regulatory status does not address the competence or accountability of those managing the system.

I respectfully urge the Public Service Commission to deny the request for exemption until Legacy can demonstrate a consistent track record of reliability, transparency, and safety.

Sincerely,

Jason Turner

Owner, Lots 70 and 74

PublicService Commission <psc@utah.gov>

Docket 25-2280-0,2 Legacy Sweetwater, Reply comments 4-11-2025, W.E. Investments

1 message

Dane Entze <dane.entze@gmail.com> Fri, Apr 11, 2025 at 10:38 AM
To: psc@utah.gov

To Whom It May Concern,

I am writing regarding Legacy Sweetwater's services within the Legacy Mountain HOA community. Access to water is a critical factor for homeowners when purchasing property and building in this area. It is my understanding that the primary reasons among others for requesting an Exemption from the Public Utility Commission (PUC) are to enable Legacy to increase rates and limit the amount of water service provided to the community under the guise of creating a way to better serve customers by decoupling from regulations of PUC.

First, Legacy's billing system appears inadequate, suggesting potential mismanagement of funds and an inaccurate grasp of revenues. Furthermore, despite being aware of leaks in the system, Legacy has not dedicated the necessary time or resources to resolve these issues, leading to more costly damage to the pump system. Without the regulatory requirements provided by the PUC, Legacy will not be held to a standard that would require them to properly service their customers.

Therefore, I recommend that the PUC deny the request to grant Legacy an exemption. It is imperative that Legacy be held to appropriate standards of financial tracking, communication, and infrastructure maintenance.

Sincerely,

Dane Entze
W.E. investments
971-344-4484

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025 Broadbent

1 message

Craig Broadbent <craiglbr@yahoo.com> Fri, Apr 11, 2025 at 11:27 AM
To: "psc@utah.gov" <psc@utah.gov>, "dave@legacymountain.com" <dave@legacymountain.com>, "dave@legacysweetwater.com" <dave@legacysweetwater.com>
Cc: "J. Mark Bagley" <jmarkbagley@hotmail.com>, HOA Contact <legacymountainhoa@gmail.com>, "richard_sudweeks@byu.edu" <richard_sudweeks@byu.edu>, Anthony Frixione/Andrea Caussey <cgcontainers@gmail.com>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025 Broadbent

April 11, 2025

Dear Public Service Commission,

I am writing this letter to voice my concerns with some of the actions being considered for Legacy Sweetwater. I am a cabin owner in the subdivisions they service and provide water to and I would like to share my experiences and concerns.

I would like to respond to the actions that Legacy Sweetwater is proposing. May I note that the letter to the property owners dated March 11th was never received by myself or others that I've talked to. The communication did not happen. In fact, I just found out about this action late on the night of the 10th of April.

We have owned our cabin in The Hollows, Lot 35, at Legacy Mountain, for over 10 years now. When we bought the cabin, one of the selling points given by the sellers, was that this subdivision has year-round water. It made a huge difference, as the subdivision above us, Skyline Mountain, did not have water and required the cabin owners to haul in water and to have no water during the winter. Also, having water year-round in hydrants and fire systems was a big consideration for insurance on the property. I won't outline our whole history of problems for the past 2 years, but those of us on the upper end of the property have either been without or have had only short periods of limited water for almost 2 years now. Starting in July of 2023, most of the time there has been no water at our cabin. I've attached two letters sent to Legacy Sweetwater last November and December, outlining a brief history of our woes.

Once again, this year we went this entire winter without water. I'll give a brief summary of what that means, since we were down there for three or four days last week. My wife and I, with our son and his family, went down to relax for Conference weekend. We had 4 adults and 3 little kids. We had absolutely no pressure in the water line to the cabin. I have a gauge installed and it is permanently on "0". I hauled 50 gallons of water in by side by side with tracks. We used every drop. The bulk of it went to toilet use, though we always went several uses before flushing. In fact, the smell started to be like a Forest Service outhouse. Other than that, we washed dishes with very limited water heated on the stove and had water for drinking. There were no showers or baths, no dishwasher, no ice, no washing hands, etc., etc. The crowning negative was when, on the way home, my wife said to me, "I hate going to the cabin now." This is a person who loves every minute of being down at our place, but this problem has ruined our experience. With that being said, may I address the future.

When we met personally with Legacy Sweetwater last November, they promised that, come spring and the weather allowing, they would put full effort into finding the leaks in the system that are causing our loss of water and would get them fixed. That would involve digging up lines in roads and replacing them with proper and good lines. We are waiting with all the hope we have to see that happen. We are hoping to see a major effort in the next few weeks to find and solve our problems for good.

Now, during this winter, as Legacy Sweetwater has met with our HOA and with some people from State agencies, the trend for action seems to be to find out what they can do to lessen their responsibility, rather than to accept the responsibility and get to work to fix the problem. First, they sent out a notice that all cabin owners needed to boil their water for an undetermined length of time. This relieves them of the responsibility of having part of the system without any pressure, which may allow back fill or other problems. Second, they are appealing to the Public Service Commission to Request an Exemption from the regulations of the Utah Public Service Commission. To me, that is simply a way to change the rules mid-stream and take less responsibility for the problem. I don't fully understand whether this exemption is good for the future strength and performance of Legacy Sweetwater or not. If it would help them give better

performance, it may be a good thing. However, I oppose changing the rules and relieving them of those responsibilities they should own. I believe the Public Service Commission, along with other Utah agencies, such as the Division of Environmental Quality and other Water agencies, should hold Legacy Sweetwater responsible to provide the service they are contracted to do. Any other subdivision down in town would require emergency 24/7 action to fix the problem and restore water and that effort would continue until the problem was fixed. We are now going on for 2 years with no resolution. The values of our properties are plummeting and the enjoyment of our properties is now very low. We can't even consider family get togethers and other events that we purchased the property to have. It is a concern of mine that the very people who sold us the property and who promised the benefit of year-round, good clean water are also the ones who sit on the board of Legacy Sweetwater. They have an obligation. Please do not vote to relieve them of any of that responsibility.

I'm not sure if the exemption helps them do a better job, or a worse job, but we are desperate to see some solutions and progress. I know they want to increase fees, and I am a supporter within reason. But, their mismanagement of collecting from those who already owe is making it so a handful of us that are paying are supporting their limited efforts to run the Company. From what Legacy Sweetwater reports, a small percentage of the owners pay and there is no effort to collect from the others. Thus, they are historically without enough funds. That is a Company and management issue, not a change of rules and regulations.

For those of us in the upper reaches of our development, who are without water and who have been without water for going on 2 years, we request that the Public Service Commission, all other State Agencies, the Legacy HOA, and all other owners in the development work with and make Legacy Sweetwater fix the problems. We would like to see better communication, more vigorous problem solving, fairer payment between all owners, and a long-term outlook for future water needs. It has gone on long enough, without resolution, and is having a severe impact on us, as owners. We love our property and cabin and want to enjoy it. Now, we can't. Enough is enough.

Thank you for your consideration.

Best regards,

Craig and Charee Broadbent

Lot 35, The Hollows, Legacy Mountain

801-592-1536

Home Address:

1520 North Fort Canyon Rd.

Alpine, Utah 84004

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2 attachments

Letter to Legacy Sweetwater Dec 7 2024.docx
17K

Letter to Legacy Sweetwater Nov 2024.docx
18K

November 14, 2024

Letter to Legacy Sweetwater

To Whom It May Concern:

I am writing this letter for several reasons. First, to outline the history of the problems we are facing. Second, to affirm our urgency to get the problem fixed, with a permanent solution, and, Third, to make sure that Legacy Sweetwater understands that, if necessary, we will take much more extreme measures to get our water back to our cabin and the cabins of our neighbors.

We bought our cabin, at Lot 35 in the Hollows, Legacy Mountain, in November of 2014. It was a little over a year old at the time. For the next 8 plus years, we had no water problems to deal with. On the rare occasion when our water pressure was low or struggling, we'd contact Corky Maughn and he'd work his magic and fix the problem quickly and permanently. We always knew we'd have water, even if the pressure varied very slightly. Again, we never had a problem.

In the summer of 2023, we received word that an outside company would be doing water valve review and repair and that it may impact our water for a very short time. We didn't notice the effect, as we weren't down to our cabin much in the early summer. However, when our family gathered for a 24th of July celebration at the cabin, we were without water. We struggled through our time together, hauling water to make it work and doing without much. For the next few months, we were without water. We had our annual Grands trip in August without water. Try 15 grandkids over 8 years old with us, as grandparents, and with no water. Toilets, dishes, showers, ice, etc., were nonexistent. It was terrible. Legacy Sweetwater kept saying they were working on it, but we went months without water. This continued through August, September, and October. Finally, in November, Sweetwater reported we had some water. We went down a couple of days later and found we did have some flow. We weren't able to stay and check out whether it was just water from up the line or whether we had full water pressure back, but we did have some water.

I had knee replacement surgery in late November, so we weren't able to go back down to our cabin until February of 2024. We found again that we had no water. Checking later in February, we found the same. I reported to the Legacy HOA that we were without water, and that Sweetwater intended to work on it in the spring. That meant the whole winter without water, after spending the summer without water, also.

In May, we started reminding Sweetwater again and they assured us they were working on it. Finally, in mid-May of 2024, they reported we had water again. We went down a few days later to check, and, sure enough, we did have water. The pressure was down, but there was some water there. We knew that Sweetwater was working on other issues, and we hoped that this would help pressure, but, hey, we had water.

We checked during June and had water and were able to do our annual Grands trip in July, with water. August got busy and we were out of town a lot, so we didn't get down much to the cabin. However, in mid-September of this year, our neighbor, Anthony Frixione, called, saying he didn't have water again. I couldn't get down to the cabin until September 26th and 27th. When I got there, there was no water again. Chance at Sweetwater worked on it for a couple of days and we ended up getting pressure built up to about 55 lbs. Water working again!!!

We went down with one of our sons and his family for Conference weekend on October 4th, and had some water, though the pressure was lower, when we first got there. However, by Monday, the 7th, our pressure had decreased, and we kept going lower and lower. Our water wasn't working again. Chance worked on it, as reported, over the next couple of days, and reported that we had got pressure back. However, I went down on October 15th and the pressure was "0". Not working again. I had to leave to go home, but a couple of days later, whatever Chance did, my pressure had risen back up over 40 lbs. (I installed a camera and a pressure gauge on the line, so I could monitor it from home.)

Then, this past Monday, November 11th, we came back down and found absolutely no water. Not even a trickle from the faucets. I reported it to Dave and Chance at Sweetwater and, after Chance worked on it a day or so, the report was no water, no solution, and no idea what to do to get us water while we were down there.

So, to summarize, over the past year and a half, we have been without water for at least 13 months. And, this past 3 months, we don't know what to expect. It's like playing Russian roulette every time we go down. Three out of the last four trips have been without water.

This past week that we were down there was miserable. No water means melting snow on the stove for toilets, no hot water, no dishes, no ice, no showers, etc., etc. This is not what we bought our cabin for. And this is not a future we will live with.

The discouraging thing this past week is that there was no plan or idea going forward on where to find the problem and solve it. We are back to the same thing we've heard for a year and a half. "There is a leak somewhere and we can't find it."

I can't emphasize enough that the pressure is on Legacy Sweetwater to do whatever it takes to find and solve our problems (and our neighbors' problems). We're not sure what that solution is, but, whether it is new lines run to our area or some other solution, we need it now. And, the solution needs to be a permanent solution that makes it so we have sufficient water every time we want to go to our cabin. We've tried to be patient, but a year and a half, with short periods of relief, does not cut it. We went over 8 years with no problems and have had nothing but problems over the past year and a half. We've gone for long periods with no water at all. We have family who don't want to come to the cabin, because of the lack of water. My wife is losing her desire to go down, because of the hassle it is and because it isn't what we purchased the cabin for.

I've mentioned this before, but, if this problem was in a subdivision down in town or even lower on the mountain, it would be a crisis. People would not live in their homes for months at a time without water to their homes. It would be a 24/7 event, with a solution within hours, let alone days. And, believe me, this is a crisis for those of us involved.

We want to have confidence in Legacy Sweetwater and want to work with you to get the problem solved. It's in all of our best interest to work together to get a permanent solution to our problem. However, we refuse to go another winter, another half a year, another who knows how long, without any water at our cabin.

We are prepared to pursue all options to force this issue to a head. You can relay to the owners that this is a crisis that needs full attention, full financial commitment, and full hiring of outside expertise. We will pursue help wherever needed to make that happen. State water people

should be involved. Legacy HOA will be notified and asked to help. Legal representation may be required. Full regulatory agency pressure may be needed. We don't want to, but, unless we find resolution soon and permanently, we have no other choice. Please know that this isn't a threat, nor is it an empty promise, but all avenues will be pursued to resolve this if we can't find a workable solution with Sweetwater. The best solution for all of us is to have Legacy Sweetwater dedicate the time and resources and get the problem fixed. However, it isn't fair to us who own cabins in Legacy to go on and on without water.

Please relay this information to your Owners. I will be relaying it to our HOA. I expect and hope that Sweetwater will work immediately and tirelessly to resolve the problem. If it is beyond the scope of their expertise, I would expect them to hire those experts which can identify and solve the problem.

We'd appreciate your review and consideration of this letter. After consideration, please feel free to contact us, email us, or however it is best, to discuss the future. We know it is painful for you also, but we must hold you responsible for providing our water.

Sincerely,

Craig and Charee Broadbent

Lot 35, The Hollows, Legacy Mountain

craiglbr@yahoo.com

801-592-1536

December 7, 2024

Legacy Sweetwater, LLC

Dear Legacy Sweetwater,

I wanted to send a follow-up to my previous letter, dated November 14, 2024. In that letter, I outlined the past year and a half of frustrations and disappointments that we have endured as a result of Legacy Sweetwater's failure to keep water flowing to our cabin at Lot 35, The Hollows, Legacy Mountain. I voiced some of the history of the times we were unable to enjoy our cabin, due to lack of water. And, I also voiced my determination, along with those neighbors who are also without water, to pursue whatever means we need to pursue to get this resolved with a permanent solution.

As a result of that letter, we were asked to meet face to face with Legacy Sweetwater at their location in Lehi to discuss options going forward. My wife, Charee, and I met with Shane Berry at the Tranont offices at Thanksgiving Point on November 22nd. Shane outlined the difficulties Sweetwater was facing, from difficulty in finding whatever leak is causing the problem as well as the lack of funding and to the deterioration of the infrastructure of the water system. We went through the various possible solutions and Shane outlined that, in spring as soon as the roads will allow, Legacy Sweetwater intends to replace the lines in front of our cabin and down Frixione Way and some up towards the well on the west side of Legacy Mountain. The hope is that it will solve the leaks that are causing our lack of water.

Shane also mentioned that they are getting closer to being required to put in a new water tank up above the Common Area above our lot. That would improve water on our side of the mountain. We were assured that Legacy would work as soon as possible in the spring to resolve our situation and make sure we had water. We wish the work could be done now, but understand that, with snow and lack of access on the roads, it would be difficult if not impossible. So, we grit our teeth and wait a few months longer, realizing that any winter trips will require hauling water and melting snow. And, we also will have to endure no showers and many of the other water needs of the cabin.

We've owned our cabin for about 10 years now and a family tradition we have always enjoyed each year is to squeeze our 30 to 40 people into the cabin for a few days at New Years and make family memories, with great food, football, games, celebrations, and the very best of family times. Without water, it was impossible last year, so we cancelled. We had scheduled for a return of the tradition this year, but a lack of water makes it impossible. We asked Shane if they could get us water for that period of time, the week of New Years. He said he would check and get back to us. A few days later, he texted and stated that, with weather and snow, they couldn't guarantee us water. That essentially killed our family trip to our cabin on New Years. It doesn't work without water and we can't haul enough in for that large of group.

After some deliberation, we decided to look into trying to find a cabin somewhere else where our family could gather. You can imagine the challenge of finding a VRBO, short notice, that would fit our size of group. After a lot of searching, we finally found one and rented it for a few days

during the week of New Years. We want to keep our tradition alive and share family memories. It was very expensive, but we couldn't find any other options that would work.

You can imagine our disgust in having a cabin we love, with memories and traditions our family loves, that we can't use. You can imagine how it bothers us to pay an exceptionally high price to rent a cabin elsewhere because ours can't be used. It makes me want to send the bill for the rental to Legacy Sweetwater, since this is totally their fault and problem. And, it confirms to us, once again, that this problem had better be resolved as soon as possible in the spring. As I've talked to water people about our situation, they all say, that given enough effort and dedication, any of these situations can be solved. We expect the time, money, and dedication to the problem that it requires. We also expect Legacy Sweetwater to accept responsibility for the problem and to find a permanent and workable solution. I can't emphasize enough that we will not go through another late spring, summer, and fall without water. We will pursue whatever pressures need to be enacted to make sure it gets done.

We have appreciated the efforts to help us in the past, but feel that it's all Band-Aids and not permanent fixes. And, we feel that there are long periods of time with no work being done on the solution. May I call it what it is, a crisis. And a crisis requires emergency actions. I have owned my own business for over 45 years and I know what it means to have something that is not going as planned or that is requiring costly and expensive work to fix. A responsible company steps up and solves the problem, no matter the effort and cost. And, a company that's whole existence rests on providing water to its customers must do that job, whatever it takes to make it happen.

We look forward to a spring resolution to our problem and will hold Legacy responsible for that solution.

Regards,

Craig and Charee Broadbent

Lot 35, The Hollows, Legacy Mountain

801-592-1536

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-0,2 Legacy Sweetwater, Reply Comments 4-10-2025 Schmidt

1 message

Greg & LeAnn Warburton <gregwarb@gmail.com> Fri, Apr 11, 2025 at 12:22 PM
To: psc@utah.gov

To whom it may concern,

We are the owners of lot 7 in the Meadows at Legacy Mountain and also customers of Legacy Sweetwater. We are writing you with our concerns of Legacy Sweetwater

1-When we purchased our cabin back in 2012, one of the main reasons for buying the cabin in Legacy Mountain was that it had water. We have had year round water for 13 years and have spent lots time at our cabin in the winter months. If the water is only available “seasonal”, this

would make it so we would only be able to use our cabin for half of the year. We did not purchase our cabin to be used only in the summer months.

2-The billing has not been consistent. We never know when we are going to get a bill, or they send them with months of past due requests.

Please take these things into consideration before granting exemption from the Public Utility Commission.

Thank you,
Ralph and Linda Schmidt

From: Roger Tuttle, 467 S 875 E, Kaysville, Ut, 84037, (801) 504-1948

Date: April 11, 2025

Subject: Docket No. 25-2280-0,2 Legacy Sweetwater, Reply Comments, 4-11-2025, Roger Tuttle

When we bought our lot in the Legacy Mountain development in 2010 we paid significantly more for the lot because of the culinary water system that was available from Legacy Sweetwater. As I understood it at the time, the water company and the land developer were the same people, but the companies were separated because the land developer would eventually leave the mountain.

When we connected to the system in 2012 we paid a significant fee above and beyond the cost to physically connect to the system. We began paying $25 per month in quarterly payments which were billed by Legacy Sweetwater even though we did not use the system during the winter months. Over a year ago we stopped getting bills from Legacy Sweetwater. Last summer we sent them a payment of $300 for six months service but the payment was never cashed. Our address has not changed and we did not receive any change of address from Legacy Sweetwater.

I learned from the Legacy Mountain HOA that Legacy Sweetwater was trying to change their status to be exempt from the Public Utility Commissions monitoring and oversight. I do not think they should be allowed to do this. I would encourage the PUC to more closely monitor the services and facilities of Legacy Sweetwater. If their status is changed from a “Nor-for-Profit Public Utility” to a “For-Profit Public Utility” I am concerned the water rates will skyrocket and/or the quality of the water service will diminish significantly. I feel that if they change their status the water system service on Legacy Mountain will be a “bait-and-switch” operation.

In general, our experience with the water system has been positive. One winter when we snowmobiled into the cabin, we didn’t have water and we never did find out what the problem was. In the summer of 2024, there were multiple times when we did not have water at our cabin. I was told this was due to pump and/or sensor problems and that equipment was being replaced. I believe that problem was fixed. If Legacy Sweetwater feels the need to increase prices to maintain the system, I feel we need the Public Utility Commission to review/verify any price increase proposals.

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-0,2 Legacy Sweetwater, Reply Comments, 4-11-2025, Ray

1 message

Sam Ray <samuellynnray@gmail.com> Fri, Apr 11, 2025 at 2:01 PM
To: psc@utah.gov

To Whom it May Concern:

This is a comment regarding the Legacy Sweetwater request to be released from control of the Utah Public Utility Commission. I oppose their request for the following reasons:

1) Conflict of Interest - Legacy Sweetwater is owned by the developer of Legacy Mountain Development. The developer is also the contractor, paid to repair the currently contaminated water system. The developer has obtained most of their profit from our project, because Legacy Mountain has been mostly sold. I've been told that the developer is now sending our water to their new development, while we are under a boil order due to lack of maintenance / operational competence.

2) Customer Service Failure - I put in a blue stake request to mark my water line last summer and it took about a month for Legacy Sweetwater to mark their own water lines. In the ensuing month, I had to dig by hand to put in my culvert and driveway to ensure I did not sever the waterline. A month delay in blue stake marking is not only a failure of customer service and Utah Code 54-8a; it is also a huge disservice to Legacy Sweetwater customers.

3) Failure to provide potable water - As I mentioned above, Legacy Sweetwater is NOT providing potable water for its customers, even though I am paying for potable water delivered to my lot. I received a "boil water advisory letter" months ago, with no plan, timeline, or estimated completion date to restore potable water service.

We need the functioning water system to our property we paid for (Legacy Sweetwater assured me the system was functioning when I purchased my lot last year). Legacy Sweetwater is not providing reasonable service while under the supervision of the Utah Public Service Commission, there is no reason to assume they will act as a responsible public utility if released from supervision. Please compel Legacy Sweetwater to provide the service we are paying for (potable water to our property), ensure we are credited back for water bills when the system was not providing the service we purchased and deny their request for release from Utah Public Service Commission supervision.

Sincerely, Samuel Ray

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025 Dayley.

We own a cabin in the Meadows Subdivision of Legacy Mountain HOA.

- July 2015, I notified Legacy Sweetwater of consistent water pressure of 325 psi. The service line coming into my cabin (HDPE pipe) notes a maximum pressure of 200 psi. I was told the problem would be checked out.
- November 2024, I notified Legacy Sweetwater of a leak coming from my meter box. Staff from Legacy Sweetwater promptly responded and stated the problem was a crack in the meter housing and said it was likely from high water pressure. The meter was quickly replaced without disruption.

The problem of the cracked meter was corrected but the underlying problem of excessive water pressure is still an ongoing concern. I worry about my service line coming into the cabin bursting or the fittings on the pipe blowing off. I'm hopeful the high-water pressure issue can be addressed.

We have not received an invoice for water service for our cabin since June of 2023. Countless times we have contacted the billing manager requesting an invoice. Typically, we don't get a response and if we do, we're told it's in the mail. We would like to pay back water dues and stay current with our account.

I believe the Utah Public Service Commission needs to monitor and provide oversight to Legacy Sweetwater Inc. to ensure a fair and equitable water fee structure, reliable water supply and a fair profit for the company.

Best, Clint & Carrie Dayley - Clint.dayley@gmail.com - 435-901-0727

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025 Gurr

1 message

Karla & Lory Gurr <karlalory@ymail.com> Fri, Apr 11, 2025 at 3:17 PM
To: "psc@utah.gov" <psc@utah.gov>

11 April 2025
Dear Utah Public Service Commission,
By no means should the Utah Public Service Commission approve the request for an exemption
from Legacy Sweetwater Inc to self-regulate.
Legacy Sweetwater Inc has failed to provide the quality of service that would be expected from
a public service agency.
From basic customer service communications that the office location moved, to poor billing notifications. I had a question about my water bill and went into the Lehi office only to find a notice Legacy Sweetwater Inc has moved. Never received any form of information that the company moved. I drove to the new office location and inquired about my water bill which I never received. I was informed of the amount and wrote a check out for the amount. To this date the check has never
been processed. To which I went in again to the office and had them process a payment to my credit
card to cover two years, as I was going to be living in the United Kingdom for 23-months.
I found out about the "boiling water" notice via our HOA social media. Never received an emailed from Legacy Sweetwater. No concern about public safety from this company.
Legacy Sweetwater needs to be regulated in order to provide basic public services or the Utah Public Service Commission needs to get a different provider.
Respectfully,
Mr. Lory Gurr

PublicService Commission <psc@utah.gov>

Legacy Sweetwater

1 message

Matt Romney <mattromney@proton.me> Fri, Apr 11, 2025 at 3:17 PM
To: "psc@utah.gov" <psc@utah.gov>

Hello,

My family currently owns a lot in the legacy subdivision. We have no structure on it and do not use any water. For years now we have been paying our monthly fee even though we use no water. To expect a landowner to pay $250 per month NOT to use water is offensive and wrong. I do not understand what is behind the financial problems but the solution cannot be to extract extremely unreasonable rates from non-uses.

Regards,

Matt and Elizabeth Romney

Sent from Proton Mail for iOS

PublicService Commission <psc@utah.gov>

Fwd: Docket No. 25-2280-0,2 - Legacy Sweetwater, reply comments 4/10/2025, J. Berg

1 message

Judy Berg <heyjudyberg@hotmail.com> Fri, Apr 11, 2025 at 3:18 PM
To: "psc@utah.gov" <psc@utah.gov>

Sent from my iPhone

Begin forwarded message:

From: Judy Berg <heyjudyberg@hotmail.com>
Date: April 10, 2025 at 8:23:57 PM MDT
To: PSC@utah.gov
Subject: RE: Docket No. 25-2280-0,2 - Legacy Sweetwater, reply comments 4/10/2025, J. Berg

Comments in regards to the above Docket No. Regarding Legacy Sweetwater asking to be removed from the Public Service Commission.

My husband and I sincerely feel that the water company needs to stay under control of the PSC. Our overall concern is that without oversite by the PSC we as owners could be charged anything they desire to charge us with no control or restrictions.

As a property/cabin owner in Legacy Mountain HOA subdivision in Sanpete County, I am opposed to Legacy Sweetwaters request to be removed from the PSC for the following reasons.

1. I have served as treasurer for Legacy Mountain HOA for approximately 14 years. Each year our members are billed by the HOA and pay their HOA due's 100% of the time. Sweetwater personnel have told me that they only collect from about 20% of the owners. In talking to several of our owners, I have been told that they never get bills from the water company, either in the mail or electronically.

2. Members have told me that they have sent checks to the water company in good faith, only to have the checks either returned or never cashed.

No doubt I am given this information from our members because of my capacity regarding finance in the HOA. Upon Legacy Sweetwaters request and In order to help Legacy Sweetwater get their books in order, I have sent member owner lists to Legacy Sweetwater on at least 3 occasions, complete with Lot #'s, Owners Names, Address, Phone numbers and emails. Each time a property changes hands I email Legacy Sweetwater the same information I just spoke of regarding the new owners along with a copy of the warranty deeds. Each time a property goes up for sale, I get an inquiry from the title company handling the sale. I inform the title company of the name and contact information of Legacy Sweetwater so that the title company can be sure the property is in good standing with Legacy Sweetwater.

Upon receipt of the warranty deed, I send a letter to the new owner with facts about the community as well as the water company information.

We have 213 lots in Legacy Mountain, several members have multiple lots for a total of 150 owners currently. 45 members with cabins either in the process of being built or built. Legacy Sweetwater also furnishes water to Willow Glen, Northridge and Southridge. Subdivisions in the next ridge South of Legacy Mountain HOA, water runs from the well at the top Northeast corner of Legacy HOA, through Legacy HOA to reach those other three subdivisions that are not part of Legacy HOA. Some cabins in those subdivisions are owned by owners of Tranont, as well as 22 unimproved lots in Legacy. I would assume they should be required to pay the same standby water fees as we do.

Our cabin was purchased with the assurance of year-round water from the previous owner of the water company before it was transferred to Tranont, (the parent company of Legacy Sweetwater), with no notice given to property owners or the HOA. (Tranont, is an investment company, not a water company) we feel that they have not done a good job in performing billing, collections etc. in order to keep Legacy Sweetwater in good condition.

Our cabin is used year-round. We depend on water being available.

Thanks for your consideration of our concerns,

Judy Berg
Randy W. Berg
Legacy Mountain HOA
The Hollows Lot 91
heyjudyberg@hotmail.com
801-597-1557

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025

1 message

Ken Allred <kensallred@gmail.com> Fri, Apr 11, 2025 at 4:17 PM
To: Ken Allred <kensallred@gmail.com>, "psc@utah.gov" <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025.

Allred Personal concerns regarding State oversight In regards to water service to Legacy Mountain, Fairview UT.

To whom it may concern at the Utah Public Service Commission, We have been living on Legacy Mountain within the HOA boundaries for approximately two years now. We have dilgently tried to submit payments to Sweetwater Legacy on a monthly basis, but in all honesty, it has been a chore on our part to continually urge them to cash our checks, or to hit our card. Our attempted contact has been made via email, text and cell calls.

The lack of resolution from Sweetwater Legacy is frustrating to say the least, however it is upsetting that State oversite seems to be very lienant regarding the resolution, follow-through and accountability towards Sweetwater. This lack of oversight has significantly affected our use and enjoyment at our
cabin, but also to all of the property owners in the community.

We purchased this cabin under the written contract that water was supplied to our community through the public utilities. Under the oversight of the State We were told that the hydrants were maintained near our property with the understanding that it supplied year round water. However, due to frequent water outages and the company's failure to maintain consistent service, the hydrants are not serviced, nor checked on a regular basis! I can't say if I have water near my home or not? Can you? This could be devastating to all residents on the mountain.

We purchased this cabin with contractual understanding that our water service was regulated by the State. Not having fire hydrants would throw our homeowners insurance out the window. This is extremely concerning.

In addition, I finally reached the accounting person at Sweetwater Legacy last month, to again,… beg to make a payment. Out of that conversation I was sent an ACH form that was not structured to pay Sweetwater. It was an inadequate draft that was pulled somewhere off the web.

In turn, I created my own ACH draft and submitted it back to Sweetwater. Within 48 hours I started receiving emails and calls, telling me that they sent out my complete personal banking information to several homeowners on the mountain? They were sending my ACH form directly to the comimunity! These calls came in on a Saturday afternoon after the banks had closed. By a miracle, I was able to reach an emergency line for my bank and close my accounts. This unprofessional series of errors caused my wife and I, two full days of cleaning up, and the redirecting all of our banking transactions with our vendors.

The following Monday I personally went into Sweetwater to get this error stopped immediately. I was met with some concern initially, I was made to feel that I was the one who made the error, not Sweetwater. They questioned the validity of my concern. I will say that by the end of the day, they had discovered the magnitude of the problem and acted quickly to correct it from that point on, and did apologize for the error. Yet, this goes to show the full picture of how the company is being mismanaged. Which goes back to the burden of the Public Service Commission, to listen to these concerns and to act upon them appropriately, for the publics protection, not to the protection of the service provider if they are not complying.

Along with the words from fellow community members, I urge the Commission to investigate the operations of this water company and hold them accountable for meeting the basic standards of public utility service. Residents and property owners deserve access to year-round, safe, reliable water and a utility provider that communicates and cooperates with those it serves.

We appreciate the states efforts to fix the current water problem and the safety for the communit y and the mountain. I appreciate your considered time to correct this issue.

Thank you Ken and Cheryl Allred
Lot 25 Legacy Mountain HOA

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-11-2025 Welton

1 message

Bryan Welton <bryanlweltonjr@gmail.com> Fri, Apr 11, 2025 at 4:27 PM
To: psc@utah.gov

To whom it may concern:

We have had minimal issues with the water to our property. Besides the occasional pressure drop (1-2 times a year) or a part from a well broken for a few days here and there, the water system has functioned well for us. The water company has been responsive and has fixed the issues within a timely manner. I know that 1 of the 3 wells was down for a longer period of time affecting a handful of cabins, but my understanding is that access for quick repair was limited due to the wintertime conditions. Thank you for overseeing this matter to help us find a solution moving forward.

- Bryan

PublicService Commission <psc@utah.gov>

Docket No. 25-2280-0.2 Legacy Sweetwater, Reply Comments, 4-11-25, Carlton

1 message

Wayne Carlton <carlton3801@gmail.com> Fri, Apr 11, 2025 at 4:35 PM
To: psc@utah.gov

I am the owner of 2 lots in the Legacy Mountain development in Sanpete County, The Hollows lots 54 and 59. This development has potable water service by Legacy Sweetwater (LS). LS has notified the owners via mail and email of a boil order advisory and of their intent to be exempted from the Public Utility Commission's monitoring and oversight. My understanding of the situation is they are running out of money to maintain the system.

I have a cabin on lot 54 and there is no cabin or structure on lot 59. On lot 54, I pay $25 per month for water service. On lot 59, I pay $25 per month to hold a "reservation" for a future connection.

In 2023, I communicated with LS (via phone calls and emails) that I would provide them a credit card number for them to charge each month for the fees on both lots. They have charged my credit card sporadically up until May of 2024, when they suddenly stopped. I received no communication from them via phone call, email, or mail to show I had a balance owing. I have reached out via phone call and email, but have had no reply to my voicemails and emails. It was as if they just stopped charging me. Through conversations with other owners, I am not the only owner that has had this happened to.

If LS is running out of money to maintain this system, I suggest they look at their administration processes first to get collections corrected. It appears they are missing out on collecting money that would allow them to function properly.

They have an obligation to provide safe and reasonably priced drinking water. I urge the PSC to not allow them to be exempted from the Public Utility Commission oversight.

Loraine Carlton
801-440-4750
Owner of Hollows Lots 54 & 59
Sent from my iPhone

PublicService Commission <psc@utah.gov>

RE: Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-9-2025 Thorn

1 message

Brady Thorn <bthorn@beehiveinsurance.com> Fri, Apr 11, 2025 at 5:00 PM
To: "psc@utah.gov" <psc@utah.gov>

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-9-2025 Thorn Lot #67, Hollows

Please see the attached email from 2023 when we tried to utilize the cabin in July. It was nonfunctional from July to September. I have also attached a complaint to

the person the state referred me to, per the texts as well that are time stamped with communication with Dave at Legacy Sweetwater.

In a nutshell, here is the timeline of non-functioning water. Please also keep in mind that these are the ones that affected us, and we are not up there all the

time. It's likely there are several more, but these are the ones that directly affected our family and holiday.

1. July 2023. No water from July to September

2. December 2023 No water from December to Mid-January.

3. July 24th 2024 holiday no water from the 18th until September.

4. December 22nd 2024 no water and still no water to date and it is now January 17, 2025.

Like I previously mentioned, in 10 years of owning the cabin we had zero issues until 2023. From 2023 to current, it has been a constant battle with no responsiveness

and accountability to the water company. As you can see, we utilize this property for holidays. We have each year since we purchased it. It's so unfortunate that we

haven't been able to use it essentially in the 2 years we have been usually going up to the property. So, what changed in 2023 that has caused this change in service?

If I can do anything further to help, please let me know.

BEEHIVE INSURANCE

Brady Thorn
SR VICE PRESIDENT
O 801.685.6851 C 801.419.1311
WWW.BEEHIVEINSURANCE.COM

PublicService Commission <psc@utah.gov>

PLEASE DISREGARD PREVIOUS EMAIL SENT FROM US AT 5:01 AND USE THIS DOCUMENT INSTEAD Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-9-2025 Thorn Lot #67, Hollows

1 message

Brady Thorn <bthorn@beehiveinsurance.com> Fri, Apr 11, 2025 at 5:59 PM
To: "psc@utah.gov" <psc@utah.gov>

To Public Utility Commission:

Docket No. 25-2280-02 Legacy Sweetwater Reply Comments 4-9-2025 Thorn Lot #67, Hollows

Our non-functional water issues started in 2023 when we tried to utilize the cabin in July. It was non-functional from July to September. I am happy to supply

additional documentation we provided to the state of Utah, as well as time stamped communication with Legacy Sweetwater.

Here is the timeline of the frustrations we have continued to experience with the water company. It's likely there are several more, since we are not up there full-

time, but these are the ones that have directly affected our family and holidays:

1. July 2023. No water from July to September

2. December 2023 No water from December to Mid-January.

3. July 24th 2024 holiday no water from the 18th until September.

4. December 22nd 2024 no water and still no water to date and it is now January 17, 2025.

In 10 years of owning the cabin we have not had the type of issues we have been experiencing since 2023. From 2023 to current, it has been a constant battle of non-

functioning water with minimal communication and no accountability from the water company. As you can see, we utilize this property mostly for holidays. We have

each year since we purchased it. It's so unfortunate that we haven't been able to use it without having issues in essentially 2 years.

Thank you for your time.

BEEHIVE INSURANCE

Brady Thorn
SR VICE PRESIDENT
O 801.685.6851 C 801.419.1311
WWW.BEEHIVEINSURANCE.COM

PublicService Commission <psc@utah.gov>

Fwd: Opposition to Legacy Sweetwater's request to withdraw from PSC oversight

1 message

workmanager <workethic43@gmail.com>
To: "psc@utah.gov" <psc@utah.gov>

---------- Forwarded message ---------
From: **workmanager** <workethic43@gmail.com>
Date: Fri, Apr 11, 2025 at 2:11 PM
Subject: Opposition to Legacy Sweetwater's request to withdraw from PSC oversight
To: <PSC@ut.gov>

Docket No. 25-2280-02
4-11-2025 Judd

Reply comments

Property owners oppose Legacy Sweetwater's request for exemption from PSC because they cannot be trusted to perform promised contractual obligations without the PSC's oversight.

Water service on Legacy Mountain is not adequate. We had NO water service for two months during this past magical winter vacation period including Christmas, New Year's, Civil Rights weekend (Martin Luther King holiday) and well into February, barely getting water for President's Day weekend. This created an unfortunate and expensive loss-of-use situation where property owners could not take their scheduled vacations.

The mismanagement of their bookkeeping system has caused great inconvenience to water users. My bank returned funds to my account because Legacy Sweetwater refused to deposit checks sent to them on more than one occasion.

EXHIBIT B

JANUARY 7, 2015 CORRESPONDENCE FROM DIVISION OF PUBLIC UTILITIES TO LYNN STRATFORD

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THOMAS BRADY
Deputy Director

CHRIS PARKER
Director, Division of Public Utilities

GARY HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

January 7, 2015

Mr. Lynn Stratford,

Pursuant to a recent analysis of Legacy Sweetwater, Inc.'s (Legacy Sweetwater) tariff approved by the Utah Public Service Commission (Commission) in its Report ~~and~~ Order in Docket No. 99-2280-01 and the approval of its Certificate of Public Convenience and Necessity No. 2280 issued on July 21, 1999 the Division of Public Utilities (Division) has made a finding that Legacy Sweetwater is NOT in compliance with Commission rules in two areas.

Areas of concern:

1. Legacy Sweetwater is not charging a $25 standby fee as required in its tariff that was approved by the Commission on July 21, 1999 in Docket No. 99-2280.01.

- Regulated utilities like Legacy Sweetwater are authorized to charge only Commission approved rates and fees. When the Commission approved its tariff and fee schedule it did so based on the assumption that all revenues in its tariff would be charged and collected. Adequate levels of revenues promote the stability in rate level for customers and revenue requirements for utilities from year to year. Any amounts short of this jeopardizes the financial integrity of the water company and does not protect the long-range interest of consumers in obtaining continued quality and adequate levels of service.

- Standby fees apply to lots where service mains are in place and where water service is available, but no water service has been connected and no water service is used. Standby fees, as are all rates and fees approved by the Commission, are non-discriminatory and must be charged equally on each lot meeting the definition above. Therefore, the standby fees applies to all lots, including, but not limited to, those lots owned by developers, financial institutions and individuals.

- Mr. Lynn Stratford, Owner of Legacy Sweetwater, must follow all rates and fees in Legacy Sweetwater's approved tariff, and is hereby put on notice to start charging the appropriate standby fees immediately.

2. Legacy Sweetwater has not submitted several Annual Reports which is a regulatory requirement for all regulated privately owned Public Water Utilities.

- Annual Reports missing are 2008, 2010 – 2013. Mr. Lynn Stratford, Owner of Legacy Sweetwater is working with the Division in updating his missing Annual Reports.

Sincerely,

Mark Long

Mark Long, Utility Analyst

160 East 300 South, Box 146751, Salt Lake City, UT 84114-6751 Telephone (801) 530-7622 • Facsimile (801) 530-6512 •
www.publicutilities.utah.gov

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