

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
WINCHESTER HILLS WATER)
COMPANY for a Rate Increase)

DOCKET NO. 00-2176-01
ORDER ON RE-HEARING

ISSUED: November 1, 2000

SYNOPSIS

There appearing to be no new evidence justifying a contrary result, our previous order is affirmed. However, since Applicant applied certain new rates before our Order, refund of the interim overcharges were ordered.

By The Commission:

PROCEDURAL HISTORY

Pursuant to notice duly served, a re-hearing in the above-captioned matter came on regularly for hearing the twenty-first day of September, 2000, before A. Robert Thurman, Administrative Law Judge, at the Commission Offices, Heber M. Wells Building, Salt Lake City, Utah. Protestants Robert Raleigh and Walt May appeared by telephone *in propria persona*. Applicant contented itself with presenting the evidence previously presented and part of the record in this matter. Protestants presented no evidence contradicting the financial justification presented but did question the adequacy of the notice of the original hearing and the authority of the Respondent's board of directors to approve the rate increase. The Administrative Law Judge, having been fully advised in the matter, now enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

- We adopt by reference, and affirm, all the Findings of Fact in our original Order in this matter.
- Ratepayers were given notice of the original hearing in this matter both by letter and publication in a local newspaper. We find that notice to be adequate.
- Although we authorized a \$10 per month meter fee in our Order of July 17, 2000, Applicant began billing for the fee for the months of April, May, and June. We did not authorize such billing.

CONCLUSIONS OF LAW

We affirm that the proposed rates appear to be just and reasonable and the minimum necessary to preserve the system's economic and physical viability. The application should be approved. However, Applicant billed a \$10 per month meter fee for April, May, and June, 2000, which was not authorized at the time and which should be refunded. The other issues raised by Protestants are matters of the internal affairs of Applicant, a mutual water company and must be resolved either in membership meetings or through litigation through the courts.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- The approval of the proposed increases, as set forth in the application, be, and they are, affirmed effective the date of the original Order (July 17, 2000).
- Applicant shall refund \$10 per month meter fee to all customers/members for the months of April, May, and June,

2000.

- This is the final Order of the Commission, and Protestants Robert Raleigh and Walt May, if they wish to proceed further may do so only by filing an appeal with the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 1st day of November, 2000.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 1st day of November, 2000, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary