

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application for a Certificate)
of Convenience and Necessity to Operate as a)
Public Utility Rendering Water Service from)
MOUNTAIN VALLEY RANCHES NORTH,)
INC., Applicant)

DOCKET NO. 01-2369-01
REPORT AND ORDER
Certificate No. 2369

ISSUED: June 26, 2001

SYNOPSIS

Applicant having demonstrated its fitness to serve, and no opposition to the application appearing, we grant the certificate.

By The Commission:

PROCEDURAL HISTORY

The instant application for water utility authority was filed on May 22, 2001. Since no other provider operates in the proposed service area, the matter appears ripe for adjudication without hearing; accordingly we choose to convert the matter to an informal proceeding. The Administrative Law Judge, having been fully advised in the premises, now enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

1. Applicant is a Utah-domiciled, non-profit corporation in good standing with the applicable law. It proposes to serve a new subdivision known as Mountain Valley Ranches being developed by Dirk Van Amen (hereafter the Developer).
2. The utility plant, currently in place, does not meet the requirements of the Utah Department of Environmental Quality; however, the Developer is endeavoring to bring it into compliance and has committed to do so by October 1, 2001. The applicant owns, or will own, by the time this Order is issued, sufficient water rights to meet the requirements of local authorities.
3. Applicant's initial rates have been set at a flat \$20 per month. The Division of Public Utilities, Utah Department of Commerce, recommends we find the proposed charges just and reasonable, and we so find.

CONCLUSIONS OF LAW

Applicant has sustained its *prima facie* burden of demonstrating need for the service and its own fitness to meet that need. Since there is no other entity capable of serving the proposed service area, potential meritorious protest appears improbable to the vanishing point. A hearing thus appears superfluous. Accordingly, the matter should be converted to an informal proceeding, and the Application should be granted.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- This matter be, and it hereby is, converted to an informal proceeding pursuant to §§ 63-46b-4 and 63-46b-5,

U.C.A. 1953, as amended.

- MOUNTAIN VALLEY RANCHES NORTH, INC., be, and it hereby is, granted Certificate of Convenience and Necessity No. 2369 as follows:

To operate as a water corporation serving the following-described area: Mountain Valley Ranches Subdivision, according to the official plat thereof, of record, in the records of Iron County, State of Utah.

- Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure to do so will forfeit the right to appeal to the Utah Supreme Court.

Dated at Salt Lake City, Utah, this 26th day of June, 2001.

/s/ A. Robert Thurman
Administrative Law Judge

Approved and Confirmed this 26th day of June, 2001, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary