

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Request for Agency	)	<u>DOCKET NO. 02-2195-01</u>
Action Concerning Docket No. 94-2195-01	)	
Report and Order, Certificate No. 2737,	)	<u>REPORT AND ORDER ON REQUEST</u>
Issued March 23, 1994	)	<u>FOR RECONSIDERATION</u>

ISSUED: September 16, 2002

By The Commission:

On March 19, 2002, J. Rodney Dansie, on behalf of himself, Foothill Water Co., Dansie Water Co. and Dansie Family Members (Trust) filed a Request for Agency Action (the ARequest@). On August 7, 2002, we issued a Denial of Request for Agency Action that set forth our reasoning. The request was denied due to the failure of the requesting parties to provide notice to all effected parties as required by statute. We also addressed the merits of the request, and concluded that no valid basis for agency action had been provided. On August 26, 2002, a request for reconsideration, in the form of a letter, was filed by J. Rodney Dansie on behalf of himself, Foothill Water Company, Dansie Water Company, and Dansie Family Members (Trust). The request for reconsideration seeks to reargue issues that have previously been addressed by this Commission, or by the courts. We see no value in or need to hear attempts to reargue issues that have previously been decided. As stated in our denial of agency action, all interested parties have not been properly notified as required by statute. We are hard-pressed to see how any further proceedings would be proper or productive without participation from all necessary parties, in particular Hi-Country Estates Water Company and Homeowners Association ("Hi-Country").

We will, however, grant limited reconsideration on one issue because of the potential safety issue involved. The Dansies claim that Hi-Country has improperly failed to provide fire protection to the Dansies for the past eight years. We noted in our denial that our 1994 Report and Order did not require Hi-Country to provide fire protection to any persons other than members of the association. The Dansies claim, however, that under the well-lease agreement and fire codes, Hi-Country is obligated to provide them fire protection. We will allow the Dansies to provide further information in answer to the following questions:

1. How, specifically, may Hi-Country be in violation of the well-lease agreement or applicable fire codes with respect to the provision of fire protection?
2. Since the District Court determined that the Dansies failed to comply with our 1994 Order, on what basis do you claim a breach by Hi-Country?
3. Since the well that was the subject of the well-lease agreement is no longer in use, what obligations do you claim Hi-Country still has to the Dansies with respect to fire protection?
4. Has this issue been addressed in either the District Court or any appellate court, and if so, provide all orders or decisions that deal with this issue.

The Dansies may provide written responses to these questions, together with all documentary support for their answers, within 60 days of the date of this order. We direct the Division of Public Utilities to also provide any information it has regarding this issue, and its recommendations, within that same time. We are interested in having Hi-Country's position on this issue as well. As noted however, they have not been properly notified in this matter. Hi-Country is still a certified public utility subject to the regulation of this Commission. We therefore direct the Division of Public Utilities to obtain Hi-Country's answers to the questions above, and its position on this issue, and provide that information to the Commission in the same time frame.

Reconsideration is denied for all other issues.

DATED at Salt Lake City, Utah, this 16<sup>th</sup> day of September, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#30886