

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
WOLF CREEK RANCH WATER)
SYSTEM for a Certificate of)
Convenience and Necessity to Operate as)
a Public Utility Rendering Water Service)

DOCKET NO. 02-2393-01
REPORT AND ORDER
CERTIFICATE NO. 2393

ISSUED: July 3, 2003

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 June 26, 2002. The Division of Public Utilities ("DPU") investigated and filed memoranda containing the results of its investigation. On August 26, 2002, the DPU filed a memorandum that set forth a few concerns with the original application. On January 15, 2003, the DPU filed another memorandum stating that the concerns raised in its earlier memorandum had been addressed, except for the need of the applicant to file a DBA to secure the legal right to operate under the name Wolf Creek Ranch Water System. Without that filing, the DPU concluded, a certificate could not be issued in that name. That memorandum recommended that a certificate be granted subject to a restriction of no more than 100 connections and service restricted to those plats listed in a March 21, 2001, letter from the Utah Drinking Water Board issuing an operating permit for the system. On April 30, 2003, the DPU filed an additional memorandum stating that the applicant had filed a DBA application in the name of Wolf Creek Ranch Water System, but that the application had not yet been processed and approved. On July 3, 2003 the DPU notified the Commission that the DBA application had been approved.

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. As our findings of fact, we adopt the Memorandum filed by the Division of Public Utilities January 15, 2003, annexed hereto and incorporated herein by this reference. The DPU recommends granting the Application, with which recommendation we concur and conclude, as a matter of law, that the Application should be granted. Accordingly, we enter the following

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.
- WOLF CREEK RANCH WATER SYSTEM is hereby granted Certificate of Convenience and Necessity No. 2393 as follows:

To operate as a water corporation serving the Wolf Creek Ranches Phases A (corrected), B, C, 2A, 2B, and

3A, according to the official plats thereof of record in the County Records of Wasatch County, State of Utah.

- This certificate is also limited to no more than 100 connections.
- Applicant shall comply with all requirements of the Utah Division of Drinking Water.
- Applicant shall file a tariff, consistent with the proposed tariff provisions in the Application, within 30 days of the date of this Order.
- Any person aggrieved by this Order may petition the Commission for review/rehearing pursuant to the *Utah Administrative Procedures Act, Utah Code Ann. §63-46b-1 et seq.* Failure so to do will preclude judicial review of the grounds not identified for review. *Utah Code Ann. §54-7-15.*

DATED at Salt Lake City, Utah, this 3rd day of July, 2003.

/s/ Douglas C. Tingey
Administrative Law Judge

Approved and Confirmed this 3rd day of July, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#34401