

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application for a Certificate of Convenience and Necessity for Tom & Norma Crisp and Interwest Engineering Corporation, a partnership, doing business as HORSESHOE MOUNTAIN RANCH ESTATES SUBDIVISION)
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DOCKET NO. 04-2425-01
REPORT AND ORDER
CERTIFICATE NO. 2425

ISSUED: June 22, 2004

SYNOPSIS

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

By the Commission:

PROCEDURAL HISTORY

Tom & Norma Crisp and Interwest Engineering Corporation, a partnership,

doing business as Horseshoe Mountain Ranch Estates Subdivision (“applicant”) submitted an application for a “Letter of Exemption” on October 8, 2002. Following discussions with the Division of Public Utilities (“DPU”), on April 9, 2004, applicant converted the application to one seeking a certificate. It is this Application that is before the Commission. The DPU investigated and filed a memorandum, dated April 20, 2004, containing the results of its investigation.

Notice of Hearing on the Application was issued by the Commission on May 24, 2004, and the hearing held on June 17, 2004. The hearing was conducted by Administrative Law Judge Steven F. Goodwill. Attorney Edward Klarich appeared on behalf of the applicant. Patricia Schmid, Assistant Attorney General, State of Utah, and Dan Bagnes, Division of Public Utilities, appeared on behalf of the DPU. Those appearing presented evidence that

establishes that there is a need for water service, that the applicant is qualified to provide such service, and that granting the requested certificate is appropriate under Utah law. No one appeared in opposition to Commission regulation.

Applicant proposes to fully subsidize all costs associated with provision of water until the system can be turned over to the homeowners' association.

The Administrative Law Judge, having been fully advised in the premises, now recommends and the Commission enters the following Order. The DPU recommends granting the Application and issuance of a certificate. 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:

- HORSESHOE MOUNTAIN RANCH ESTATES SUBDIVISION is hereby granted Certificate of Convenience and Necessity No. 2425 to operate as a water corporation serving the area designated in its Application filed with the Commission located in Sections 9, 10, 15 & 16, T16S, R4E, SLB&M, Sanpete County, State of Utah.
- Applicant shall comply with all requirements of the Utah Division of Drinking Water.
- Applicant shall file a tariff, consistent with proposed tariff provisions in the Application, within 30 days of the date of this Order. As no rates have been proposed or approved, applicant must first petition the Commission for rate approval before charging any fee related to the provision of water within its service area.
- 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 22nd day of June, 2004.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 22nd day of June, 2004, 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#38881