

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of HARMONY)
MOUNTAIN RANCH WATER COMPANY)
ASSOCIATION for a Certificate of Convenience)
and Necessity to Operate as a Public Utility)
Rendering Water Service)
)

DOCKET NO. 04-2428-01

REPORT AND ORDER
CERTIFICATE NO. 2428

ISSUED: May 13, 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

The instant application for water utility authority was filed April 30, 2004. The Division of Public Utilities (“DPU”) investigated and filed a memorandum, dated May 10, 2004, containing the results of its investigation. The DPU recommends granting Harmony Mountain Ranch Water Company Association’s application and the issuance of a certificate for utility operations. Notice of Hearing on the Application was issued by the Commission on May 11, 2004, and the hearing held May 13, 2004. Because the applicant is in the early stages of construction, the subdivision area to be served is in early construction and development, and there appeared to be no opposition to the application, the shortened notice period was deemed warranted. The hearing was conducted by Sandy Mooy, designated by the Commission as the Hearing Officer for the proceedings. Justin Wayment, of Hofeling & Wayment, appeared on behalf of the applicant. Patricia Schmid, Assistant Attorney General, State of Utah; Dan Bagnes, Division of Public Utilities; and Wes Huntsman, Division of Public Utilities, appeared on behalf of the Division of Public Utilities. 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. The applicant plans on billing its customers on a quarterly basis, hence, exemption from Commission Rule 746-200-4 (which requires two month or shorter, unless exemption is granted) is sought.

The Hearing Officer, having been fully advised in the premises, now recommends and the Commission enters the following Order. As our findings, we adopt the applicant's Application, filed April 30, 2004, and the Memorandum of the DPU, dated May 10, 2004, 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:

- HARMONY MOUNTAIN RANCH WATER COMPANY ASSOCIATION is hereby granted Certificate of Convenience and Necessity No. 2428 as follows:

To operate as a water corporation serving the area designated in its Application filed with the Commission (in Attachment C) located in Sections 19, 20, 29, 30, 32, T37S, R12W, SLM, Iron County, State of Utah.

- 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, and as identified at the May 13, 2004, hearing.
- Applicant is granted an exemption from Commission Rule 746-200-4(A), enabling Applicant to bill its customers in billing cycles greater than two months
- Pursuant to Utah Code 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order.

Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 13th day of May, 2004.

/s/ Sandy Mooy
Hearing Officer

Approved and Confirmed this 13th day of May, 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

GW#38353