

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Tariff Filing of)
Legacy Sweetwater Water Company) DOCKET NO. 05-2280-T01
Regarding Schedule of Rates, Rules and) REPORT AND ORDER OF DISMISSAL
Regulations)

ISSUED: February 23, 2006

By The Commission:

On June 29, 2005, Legacy Sweetwater Water Company (“Legacy Sweetwater” or “Company”) filed a proposed schedule of rates, rules, and regulations for its culinary water operations.

On September 30, 2005, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission suspend the Company’s filing pending completion of an audit and filing of a final recommendation by the Division. The Division noted it had contacted Legacy Sweetwater following its tariff filing to schedule an on-site audit to investigate the reasonableness of the proposed tariff, but had received no response from the Company.

On February 7, 2006, the Division filed a memorandum recommending the Commission reject the filed tariff and proposed rates due to Legacy Sweetwater’s failure to provide sufficient information to the Division to enable the it to evaluate the Company’s proposed rates, rules, and regulations. The Division stated it conducted a preliminary audit of Legacy Sweetwater on January 12, 2006, and subsequently asked the Company to provide additional documentation and data pertinent to its investigation of the Company’s proposed

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tariff. The Division stated that, as of February 7, 2006, Legacy Sweetwater has been unable to provide the requested data. The Division also recommends the Company file a new tariff with proposed rates when it is prepared to provide the documentation and information necessary to support its request.

To date, Legacy Sweetwater has failed to respond to the Division's recommendation that the Commission reject the proposed tariff.

Having reviewed the record in this matter, we conclude it is reasonable to dismiss the same. We encourage the Company to re-file its proposed tariff at such time as it is prepared to provide the Division with all requested information necessary to support its filing.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Legacy Sweetwater Water Company's tariff filing of proposed rates, rules, and regulations is hereby dismissed.

Pursuant to *Utah Code Annotated* §§ 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

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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 Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 23rd day of February, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 23rd day of February, 2006, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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