

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Proposed Expansion)
of Service Area for Apple Valley Water) DOCKET NO. 06-2178-01
Company) ORDER EXPANDING SERVICE
) TERRITORY

SYNOPSIS

The Commission grants the request of Apple Valley Water Company to expand its certificated service territory to include three parcels located in Phase I of the Apple Valley Subdivision.

ISSUED: June 21, 2006

By The Commission:

PROCEDURAL HISTORY

On May 12, 2006, Apple Valley Water Company ("Apple Valley") filed a memorandum ("Request") seeking to expand its service territory to include three parcels, totaling 10.299 acres, located within Phase I of the Apple Valley Subdivision. On June 12, 2006, the Division of Public Utilities ("Division") filed a memorandum recommending the Commission approve the Request.

DISCUSSION

The three parcels proposed for inclusion in the Apple Valley service territory, identified as parcels A, B, and C, respectively, in the service territory map attached to the Request, are more particularly described as follows:

Beginning at a point on the Southerly Right of Way line of Highway U-59, said point being South 00°01'19" East 827.45 feet along the section line and West 65.80 feet from the Northeast Corner of Section 25, Township 43 South, Range 12 West, Salt Lake Base & Meridian,

DOCKET NO. 06-2178-01

-2-

and running; thence South 35°52'48" West 270.92 feet to the Northerly Right of Way line of Apple Valley Drive; thence North 45°02'28" West 50.63 feet along North line; thence North 35°52'48" East 262.93 feet to the Southerly line of said Highway U-59; thence South 54°07'12" East 50.00 feet along said South line to the Point of Beginning, containing 13,345 square feet or 0.306 acres.

Beginning at a point on the Southerly Right of Way line of Highway U-59, said point being South 00°01'19" East 798.15 feet along the section line and West 106.30 feet from the Northeast Corner of Section 25, Township 43 South, Range 12 West, Salt Lake Base & Meridian, and running; thence South 35°52'48" West 262.93 feet to the Northerly Right of Way line of Apple Valley Drive; thence North 45°02'28" West 1,666.27 feet along North line to the Southerly line of said Highway U-59; thence South 54°07'12" East 1,645.39 feet along said Southerly line to the Point of beginning, containing 216,310 square feet or 4.966 acres.

Beginning at a point on the Southerly Right of Way line of Highway U-59, said point being South 00°01'19" East 827.45 feet along the section line and West 65.80 feet from the Northeast Corner of Section 25, Township 43 South, Range 12 West, Salt Lake Base & Meridian, and running; thence South 54°07'12" East 669.00 feet along said South Line; thence South 35°52'48" West 389.30 feet to the Northerly Right of Way line of Apple Valley Drive; thence North 43°11'06" West 349.98 feet along said North line; thence North 45°02'28" West 329.50 feet along said North line; thence North 35°52'48" East 270.92 feet to the Point of beginning, containing 218,974 square feet or 5.027 acres.

The Division notes Apple Valley has sufficient facilities to connect to these parcels and has sufficient water rights to provide water to them. The Division believes extending the service area to include these parcels would cause no detriment to existing Apple Valley customers and would not impact current approved rates.

Utah Administrative Code Rule 746-110-1, authorizes the Commission to adjudicate a matter informally under Utah Code Annotated § 63-46b-5 when the

Commission “determines that the matter can reasonably be expected to be unopposed and uncontested.” There appearing no reasonable expectation of opposition to the Request, we determine to proceed informally without hearing.

Based upon the evidence of record and the Division’s recommendation, we find and conclude that the proposed expansion of service territory will not harm and can provide benefits to the customers of Apple Valley, and is in the public interest.

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

ORDER

1. Converting this matter to an informal proceeding pursuant to §63-46b-4(3), UCA 1953, as amended.

2. Tentatively approving the request of Apple Valley Water Company to expand its service territory to include the three parcels more particularly described *supra* and modifying its Certificate of Public Convenience and Necessity accordingly.

3. Absent meritorious protest, this Order shall automatically become effective without further action twenty (20) days from the date of this Order.

4. Persons desiring to protest this Order may file said protest prior to the effective date of this Order. If the Commission finds said protest to be meritorious, the effective date shall be suspended pending further proceedings.

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

DOCKET NO. 06-2178-01

-4-

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

DATED at Salt Lake City, Utah, this 21st day of June, 2006.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 21st day of June, 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
G#49414