

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Proposed Expansion)
of Service Area for Apple Valley Water)
Company)

) DOCKET NO. 06-2178-T01
) ORDER EXPANDING SERVICE
) TERRITORY

SYNOPSIS

The Commission grants the request of Apple Valley Water Company to expand its service territory to include the provision of one metered connection to a 40 acre parcel adjacent to its previously certificated service territory.

ISSUED: March 23, 2006

By The Commission:

PROCEDURAL HISTORY

On February 14, 2006, Apple Valley Water Company (“Apple Valley”) filed a memorandum requesting to expand its service territory to include a 40 acre parcel adjacent to its current service territory. This 40 acre parcel is owned by three persons who also own the adjacent parcel that is already connected to and served by Apple Valley. It appears expansion of the Apple Valley system to serve this additional parcel would consist of one metered connection.

On March 17, 2006, the Division of Public Utilities (“Division”) filed a memorandum recommending the Commission approve Apple Valley’s request.

DISCUSSION

The 40 acre parcel proposed for inclusion in the Apple Valley service territory is more particularly described as follows:

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The south 40.0 acres (as measured along the South line) of the northwest quarter (NW1/4) of section 29, township 42 south, range 11 west, Salt Lake Base and meridian, as recorded May 29, 1997, as Entry No. 567228, in Book 1104, pages 426-429 of the records of the County Recorder of Washington County, Utah.

The Division notes Apple Valley has sufficient facilities to connect to this parcel and has sufficient water rights to provide water to it. The Division believes that extending the service area to include this parcel 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 Apple Valley’s 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. However, because the instant request and the evidence supplied in support thereof anticipates only one metered connection to the expanded service territory, our order herein shall be limited to provision of one metered water connection to the subject 40 acre parcel. Any additional system expansion or connections within this parcel will be subject to prior approval by the Commission upon petition by Apple Valley.

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 40 acre parcel 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 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.

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

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 23rd day of March, 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#48250