

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Notification of Kane)
County Water Conservancy District of) DOCKET NO. 09-2295-01
Ownership of Duck Creek Pines Water) ORDER CANCELLING
System #13052) CERTIFICATE 2295

ISSUED: May 26, 2009

By The Commission:

This matter is before the Commission on the Kane County Water Conservancy District's (District) assumption of ownership of the Duck Creek Pines Water System (Water System). The Division of Public Utilities (Division) submitted their Recommendation on April 7, 2009, recommending cancellation of the water system's certificate of public convenience and necessity (CPCN). Its Recommendation stated as follows:

On October 15, 1999, Duck Creek Pines Water Company, L.L.C. (Company) was issued a Certificate of Public Convenience and Necessity by the Public Service Commission of Utah in Docket No. 99-2295-01. . . .

On February 3, 2009 the Kane County Water Conservancy District (District) issued a letter declaring that as of August 15, 2008, the District assumed ownership of the Duck Creek Pines Water System to include wells, distribution lines, pumping equipment and reservoirs.

On April 6, 2009 Robert Barrus, President of Duck Creek Pines Water Company, submitted a letter to the Commission declaring all assets, liabilities and equity were transferred to the Kane County Water Conservancy District as of December 31, 2008 and that the Company had been dissolved. Mr. Barrus writes that "the transfer of ownership took over four years to complete and felt it would be in the best interest of the subdivision and residents to turn the assets and operations over to a better qualified operator". After two annual homeowner's association meetings and two years, the transaction was voted on and passed "overwhelmingly by the majority homeowners" to transfer ownership.

All customers were notified of the transfer of ownership and since the Kane County Water Conservancy District is not under the jurisdiction of the Public Service Commission of Utah, the Division recommends the CPCN be cancelled.

Division Recommendation, pp. 1-2.

Given the facts submitted by the Division, the Commission finds that the water system is no longer privately owned and is no longer under the Commission's jurisdiction. As such, it does not require a CPCN, which should be canceled. Therefore, the Commission orders as follows:

1. The CPCN of the water system is cancelled;
2. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing within 30 days after issuance of this Order by filing a written request with the Commission. 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 does not grant a request for review or rehearing within 20 days after the filing of the request, 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 requirement of Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

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DATED at Salt Lake City, Utah, this 26th day of May, 2009.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#61984