

In the Matter of the Petition of the Division) DOCKET NO. 97-2165-01
of Public Utilities for a Declaratory Order)
Canceling the Certificate of Convenience)
and Necessity of PINE HOLLOW WATER) REPORT AND ORDER
COMPANY.)

ISSUED: February 24, 1998

SYNOPSIS

The subject regulated water corporation having sold its system and water rights to an entity exempt from regulation under applicable law, we cancel the Certificate of Convenience and Necessity.

Appearances:

Laurie L. Noda, For Division of Public Utilities, Utah

Assistant Attorney General Department of Commerce

By the Commission:

PROCEDURAL HISTORY

The Division of Public Utilities, Utah Department of Commerce (hereafter "DPU") filed its petition November 21, 1997, seeking an order from the Commission canceling the Certificate of Convenience and Necessity of Pine Hollow Water Company, a regulated water corporation. No opposition to said petition having appeared, there appears to be no reason for convening an evidentiary hearing on the matter. The Administrative Law Judge, having been fully advised in the matter, now enters the following Report, containing proposed Findings of Fact, Conclusions of Law, and the Order based thereon.

FINDINGS OF FACT

1. Pine Hollow Water Company (hereafter "Pine Hollow") is a water corporation, as defined in applicable law, holding a Certificate of Convenience and Necessity from this Commission.
2. Pine Hollow has sold and transferred its physical system and associated water rights to an association of lot owners in Pine Hollow's service area. The association is an entity exempt from regulation under applicable law.

DISCUSSION

Since Pine Hollow no longer operates as a public utility, and the present owner of the utility assets is exempt from regulation, there is no reason to maintain the Certificate of Convenience and Necessity.

CONCLUSIONS OF LAW

The Certificate should be canceled.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

Certificate of Convenience and Necessity No. 2197, issued to Pine Hollow Water Company, be and it is canceled, effective the date of this Order.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 24th day of February, 1998.

/s/ A. Robert Thurman

Administrative Law Judge

Approved and Confirmed this 24th day of February, 1998, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

(SEAL) /s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary