

Service Date: September 3, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER OF LA CASA GRANDE        )     UTILITY DIVISION  
ESTATES WATER COMPANY, Complaint by)       
Robert N. Deruy, Concerning Water    )     DOCKET NO. 92.7.41  
Restrictions.                            )     ORDER NO. 5647

ORDER DISMISSING COMPLAINT (QUALIFIED)

1. On July 10, 1992 Robert N. Deruy (Deruy), consumer, filed a Complaint before the Montana Public Service Commission (PSC) against La Casa Grande Estates Water Company (La Casa), a public utility providing water service to residents of La Casa Grande Estates Subdivision at East Helena, Montana.

2. Deruy's Complaint primarily concerns the "one outside hose" limitation in La Casa's July 6, 1992, water restrictions notice, an issue that was also addressed on reconsideration of PSC Docket No. 92.4.18, Order No. 5629, June 16, 1992. In that docket the PSC stated that it intended "to preserve the status quo in this regard, whatever it may be."

3. Deruy apparently filed one copy of his July 10, 1992, Complaint, not the "original plus six conformed copies" required by ARM 38.2.2103. Although the PSC makes every reasonable attempt to monitor, correct and process such filings, the copy was routed as correspondence, not as a pleading, and remained unprocessed as a Complaint, until Deruy later contacted the PSC inquiring about the matter.

4. A Notice of Complaint and Proposed Administrative Action was then served on La Casa on or about August 24, 1992. La Casa filed its Answer on August 27, 1992, asserting that the "one outside hose" limitation is status quo and, to eliminate such limitation, would defeat the purpose of the restrictions.

5. La Casa's 1992 water restrictions expire by their own terms on September 15, 1992. La Casa contests the Complaint and requests a hearing on the matter. It is impractical, if not impossible, to fairly hear and decide this matter prior to that

date, when the issue becomes moot in any event.

6. For the foregoing reasons the PSC HEREBY ORDERS that the Complaint is DISMISSED WITH QUALIFICATION that the issues, as are several issues from previous La Casa water restriction matters, shall be included in La Casa's presently pending rate case, PSC Docket No. 91.2.3.

Done and Dated this 31st day of August, 1992 by a vote of 3-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DANNY OBERG, Chairman

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BOB ANDERSON, Commissioner

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TED C. MACY, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.