

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

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IN THE MATTER OF the Application of)
UTILITY SOLUTIONS, LLC to)
Implement Initial Rates and Charges)
for Water Services in its Elk Grove)
Subdivision, Gallatin County, Montana)
Service Area)

UTILITY DIVISION

DOCKET NO. D2005.11.163

Consolidated with

IN THE MATTER OF the Application of)
UTILITY SOLUTIONS, LLC to)
Implement Initial Rates and Charges)
for Wastewater Services in its Elk)
Grove Subdivision, Gallatin County,)
Montana Service Area)

UTILITY DIVISION

DOCKET NO. D2005.11.164

MOTION TO VACATE PROCEDURAL SCHEDULE

Utility Solutions respectfully moves the Commission for an order vacating the Procedural Order in these consolidated dockets. It integrates with its motion its brief in support of the motion.

These consolidated dockets were instituted to establish first interim, then permanent water and sewer rates for Utility Solutions. The Company is currently charging interim rates under Commission Orders 6707 and 6708. In accordance with the orders of the Commission, permanent rate filings, authored by Mr. Ronald R. Woods, rate consultant for Utility Solutions, were filed in the dockets on August 12, 2007. Mr. Woods prepared the filings using a test year ended December 31, 2006. After preparing the rate filings, Mr. Woods became seriously ill, and tragically died this year.

Given the death of its consultant, and the associated passage of time, Utility Solutions believes that the best course of action is for it to engage new professionals, and prepare and file an amended application for permanent rates based upon a test year ended

December 31, 2008. As a practical matter, it would be nearly impossible for Utility Solutions to prosecute its current rate filings through to conclusion without the services of the professional who authored them. As a policy matter, Utility Solutions believes that it would be better to finalize rates on a going forward basis using a 2008 test year, rather than the 2006 test year in the current filings. The Company believes it will be able to prepare and file amended applications for permanent rates, using a 2008 test period, by the end of the second quarter of 2009.

Accordingly, Utility Solutions moves the Commission for an order vacating the Procedural Order established in this docket. The Company will then prepare and file amended applications for permanent water and sewer rates by the end of the second quarter of 2009. The Commission can then issue a new procedural order governing the remainder of the proceedings in these consolidated dockets.

Respectfully submitted December 5, 2008.

HUGHES, KELLNER, SULLIVAN & ALKE

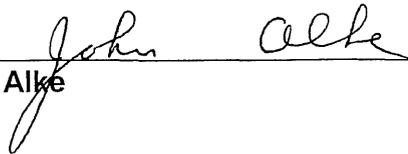
By John Alke
John Alke
40 W. Lawrence, Suite A
P. O. Box 1166
Helena, MT 59624-1166

Attorneys for Utility Solutions, LLC

CERTIFICATE OF SERVICE BY MAIL

I HEREBY CERTIFY that a copy of the foregoing **MOTION TO VACATE PROCEDURAL SCHEDULE** was served upon the following by mailing a true and correct copy thereof on **December 5, 2008**, addressed as follows:

**MONTANA CONSUMER COUNSEL
P O BOX 201703
HELENA MT 59620-1703**



John Alke