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PUBLIC SERVICE  
COMMISSION

1 Matthew W. Williams  
Williams & Jent, PLLP  
2 506 E. Babcock  
Bozeman, Montana 59715  
3 (406) 586-1373  
*Attorney for Applicant*

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

7 IN THE MATTER of the Application of ) UTILITY DIVISION  
8 Utility Solutions, LLC to Implement Initial )  
Rates and Charges For Water Service in its ) **DOCKET NO. D2005.11.163**  
9 Elk Grove Subdivision, Gallatin County, )  
10 Montana Service Area )

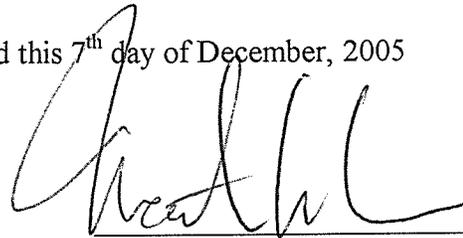
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12 **OBJECTION TO PETITION TO INTERVENE BY KOLNIK**

13  
14 Comes now Utility Solutions LLC (USLLC), by and through its attorney, and objects to  
15 the Petition to Intervene filed in the above-styled matter by Tony Kolnik ("Kolnik"). As grounds  
16 therefore, USLLC shows by the affidavit attached hereto as Exhibit A that Mr. Kolnik owns no  
17 property within the designated service area that is at issue in the above-referenced matter, nor  
18 does Mr. Kolnik otherwise derive any water or water supplies from USLLC. Accordingly,  
19 Konik lacks the substantial interest in these proceedings that provides for Intevenor status.

20 Pursuant to ARM 38.2.2403(1), every petition or motion to intervene must disclose "a  
21 clear and concise statement of the direct and substantial interest of the petitioner in the  
22 proceeding." Unless the Commission finds that a petitioner has a substantial interest in the  
23 subject matter of the proceeding, the Commission will deny a petitioner the status of a party to  
24 the proceeding. ARM 38.2.2405  
25

1 The Petition to Intervene filed by Mr. Kolnik fails to set forth any basis demonstrating his  
2 legal interest in these proceedings. As the attached affidavit shows, he is not a customer of  
3 USLLC, derives no water or water supplies from USLLC, and indeed owns no property within  
4 the service area of USLLC that is at issue in this proceeding. For these reasons, Mr. Kolnik has  
5 no interest in these proceedings, and his intervention is likely to simply undermine a just and  
6 timely resolutions of the matters before this Commission. For these reasons, the Commission  
7 should deny the Petition to Intervene.  
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12 Dated this 7<sup>th</sup> day of December, 2005



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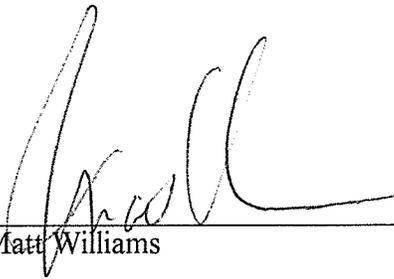
20 **Certificate of Service**

21 I certify that I have on this 4<sup>th</sup> day of December, 2005, duly served a copy of the  
22 foregoing objection to petition to intervene by deposition the same in the US Mail, postage  
prepaid to the following persons at the designated addresses. I am unable to serve Mr. Kolnik as  
he failed to provide an address at which he can be served in his petition to intervene.

23 Kate Whitney  
24 Public Service Commission  
1701 Prospect Ave.  
PO Box 202601  
25 Helena, Montana 59620-2601

Robert Nelson

1 Montana Consumer Counsel  
2 PO Box 201703  
3 Helena, Montana 59620-1703

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5 \_\_\_\_\_  
6 Matt Williams

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3 Done this 7 day of December, 2005.  
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6  
7 *Barbara Campbell*  
8 Barbara Campbell  
9

10  
11 On the 7 day of December, 2005, personally appeared before me, a Notary  
12 Public in and for the State of Montana, Barbara Campbell, who is known to me to be  
13 the affiant above-listed and whose signature is inscribed above.  
14



15 *Kristene L. Vandersloot*  
16 Notary Public for the State of Montana  
17 Printed Name: Kristene L. Vandersloot  
18 Residing at Bozeman Montana  
19 My commission expires: August 31, 2008

20 (SEAL)  
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24  
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