

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6481

Petition of Timothy A. and Frances D. Muir for authority)	
to sell the Bolton Valley Water System located in)	Hearing at
Bolton, Vermont)	Bolton, Vermont
)	March 27, 2001

Order entered: 12/5/2002

I. INTRODUCTION

On February 9, 2001, Timothy and Frances Muir filed a petition with the Public Service Board (the "Board") asking for permission to abandon the water system serving a portion of Bolton (the "Bolton Valley Water System"), and for revocation of the water system's Certificate of Public Good. A prehearing conference on the original petition for abandonment was held on March 27, 2002. The Vermont Department of Public Service (the "Department") and four users of the water system participated at the prehearing conference.¹ No representative for the petitioners was present.

On August 30, 2002, the Muirs requested that their petition be amended to provide for the sale of the Bolton Valley Water System to Joiner Springs Water Co., LLC ("Joiner Springs"). Joiner Springs was formed as a limited liability corporation to take over the Bolton Valley Water System by all of the users of the water system, and is comprised solely of such users.²

On October 18, 2002, the Department filed a letter with the Clerk of the Board, indicating its support for the transfer and all associated pending matters. In this Proposal for Decision, I recommend that the Board approve the sale of the Bolton Valley Water System to Joiner Springs.

1. Duncan Galbraith, Timothy Grover, and Mark and Carol Robert, all users of the Bolton Valley Water System, were present. Duncan Galbraith noted that he also represented system-users Allen Duffy and Dave Olenick.

2. The Bolton Valley Water System is the water source for five dwellings. Tr. 3/27/02 at 6 (Galbraith).

II. FINDINGS

Based on the petition and accompanying documents, I hereby report the following findings to the Board in accordance with 30 V.S.A. § 8.

1. Timothy and Frances Muir were granted a Certificate of Public good for the Bolton Valley Water System on October 3, 1989. Petition at 1.
2. Joiner Springs Water Co., LLC was organized on August 29, 2002, for the specific purpose of taking over the ownership, maintenance, repair and replacement of the common water system located in Bolton Valley. Letter from Dave Olenick to Geoffrey Commons, Department of Public Service, dated October 14, 2002.
3. All of the current users of the water system are now members of Joiner Springs. *Id.*
4. The Department supports the transfer of ownership to Joiner Springs and the revocation of the current Certificate of Public Good held by the Muirs. Letter from Geoffrey Commons, Department of Public Service, to Susan Hudson, dated October 18, 2002.
5. The transfer of the Bolton Valley Water System to the Joiner Springs Water Co., LLC represents resolution of a long-standing problem of unwilling owners being responsible for essential water service to a number of families, and will promote the general good of the State of Vermont. *Id.*

III. DISCUSSION

No genuine issues of material fact exist and there is no opposition to the proposed transfer. Therefore, I recommend approval of the sale of the assets of Bolton Valley Water System to Joiner Springs Water Co., LLC. I also recommend revocation of Timothy and Frances Muir's Certificate of Public Good since after the transfer, the Muirs will cease to own any public service business.

The Board has no jurisdiction over a water company which limits its service to members only, and does not serve the general public.³ Since all the users of the system are members of Joiner Springs, following transfer, the water system will no longer be under the jurisdiction of the Board or Department.

3. In re Pfenning, 136 Vt. 92 (1978).

This proposal for decision has not been circulated to the parties to this proceeding because it does not adversely affect any such party. 3 V.S.A. § 811.

Dated at Montpelier, Vermont, this 5th day of December, 2002.

s/Hope G. Crifo
Hope G. Crifo
Hearing Officer

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The findings, conclusions and recommendations of the Hearing Officer are adopted.
2. Pursuant to 30 V.S.A. § 109, the sale of the Bolton Valley Water System to Joiner Springs Water Co., LLC, will promote the general good of the State of Vermont.
3. A certificate of consent to the sale shall be issued.
4. Timothy and Francis Muir shall notify the Board in writing that the transfer of the water system is complete. Upon receipt of such written notification, the Certificate of Public Good of Timothy and Frances Muir shall be, and hereby is, revoked without further order of this Board.

Dated at Montpelier, Vermont, this 5th day of December, 2002.

s/Michael H. Dworkin)	PUBLIC SERVICE
)	
)	
s/David C. Coen)	
)	BOARD
)	
)	OF VERMONT
s/John D. Burke)	

OFFICE OF THE CLERK

FILED: December 5, 2002

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.