

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5997

Petition of Sunshine Water Company, Inc.,)
for authority to abandon the Countryside Estates)
Water System located in Rutland, Vermont)

Order entered: 3/30/99

INTRODUCTION

On May 5, 1997, Sunshine Water Company, Inc. ("the Company", or "Sunshine"), located in Rutland, Vermont, filed a petition with the Public Service Board (the "Board"), pursuant to 30 V.S.A. § 231, to authorize abandonment of water service from the Countryside Estates Water System ("Countryside"). Countryside is one of five water systems which comprise the Sunshine Water Company.

On September 17, 1997, the Vermont Department of Public Service ("Department") filed a letter with the Board stating that it had no objection to the Company's request. Furthermore, the Department's letter stated that there were in fact no longer any customers connected to the water system and the Department had not received any complaints with regard to abandonment of this system. In addition, the Department's letter stated that the abandonment was in the best interest of the water system and its former customers, and would promote the general good of the state of Vermont. Based upon the evidence of record, I submit the following findings to the Board in accordance with 30 V.S.A. § 8.

FINDINGS

1. On January 21, 1985, Sunshine received a Certificate of Public Good ("CPG") to operate certain small water systems in the Rutland, Vermont area. Countryside is one of these small water systems. See Docket No. 4919.

2. The Company has informed the Board that Countryside is currently serving no customers and, in fact, has been shut down as of October 15, 1997. See Letter filed October 29, 1997.

3. The Company seeks to discontinue service and abandon the water system as it no longer serves any customers. Petition at 1.

4. All of the former customers of the Company have formed their own fire district and drilled their own wells. Petition at 1.

CONCLUSION AND RECOMMENDATIONS

The Board finds the reasons articulated by the Company in support of its request to be convincing. This finding, together with the fact that no opposition to the Company's filing has been registered with the Board leads me to conclude that the abandonment of service by the Company is consistent with the public interest, and should be approved pursuant to 30 V.S.A. § 231(b). In addition, the CPG issued to Sunshine should be amended to delete reference to Countryside.

While 30 V.S.A. §§ 102(c) and 231(a) require that a hearing be held before revocation of a CPG is allowed, we note that Rule 56 of the V.R.C.P. provides that where no genuine issue of material fact exists, a hearing is not necessary. We find that the requirements of V.R.C.P. Rule 56 are met in this case and, therefore, grant the Company's request without a hearing.

I recommend that the Board approve the petition to abandon filed by the Company and amend the Company's Certificate of Public Good as requested.

DATED at Montpelier, Vermont, this 29th day of March, 1999.

s/ Gregg C. Faber
Gregg C. Faber
Hearing Officer

ORDER

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

- 1. The Findings, Conclusion and Recommendations of the Hearing Officer are adopted.
- 2. The Company's petition to abandon the Countryside Estates Water System is hereby approved.
- 3. The Certificate of Public Good of Sunshine Water Company, Inc., shall be amended to delete reference to the Countryside Estates Water System.

DATED at Montpelier, Vermont, this 30th day of March, 1999.

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

OFFICE OF THE CLERK

FILED: MARCH 30, 1999

ATTEST: s/ Susan M. Hudson
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 of any technical errors, in order that any necessary corrections may be made.

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.