

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6265

Petition of Rocky Ridge Development )  
Water Corporation to allow conveyance )  
of all assets to the St. George Fire District )  
No. 1 )

Order entered: 9/22/99

I. INTRODUCTION

On August 2 and August 4, 1999, Rocky Ridge Development Water Corporation ("Rocky Ridge") filed a petition and supporting documents relating to a transfer of its system to the St. George Fire District No. 1 (the "Fire District"). The petition seeks Public Service Board ("Board") approval under 30 V.S.A. §§ 109 and 231 for the conveyance of all of the assets of Rocky Ridge to the Fire District. With the transfer of service from Rocky Ridge to the Fire District, Rocky Ridge will discontinue operation. Rocky Ridge requests revocation of its Certificate of Public Good at that time.

The Department of Public Service ("DPS" or "Department"), by letter of September 1, 1999, has indicated that it has reviewed the Rocky Ridge filings. The Department recommends that the Board grant the petition and consent to the sale of Rocky Ridge's assets to the Fire District, and revoke Rocky Ridge's Certificate of Public Good. Furthermore, the DPS stated that it had no objection to granting the petition without hearing.

No party or customer has written to request a hearing; therefore, this case is ripe for judgment on its merits.<sup>1</sup>

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1. 30 V.S.A. § 109 requires that the Board shall approve the sale of 10% or more of a utility's assets only after an opportunity for hearing. 30 V.S.A. § 231(a) also requires an opportunity for hearing.

## II. FINDINGS

1. The Rocky Ridge Development Water Corporation was established in 1968 and was granted a Certificate of Public Good to own and operate a water system in the town of St. George, Vermont. *Re Rocky Ridge Development Water Corp.*, Docket 3279, Order of February 8, 1968.

2. The transferred assets include "well, pumps, pipes, pipelines and all appurtenances thereto used in the operation of the water system in the Town of St. George." Petition of Rocky Ridge Development Water Corporation, August 2, 1999, at Schedule A.

3. The St. George Fire District No. 1 is a municipal entity formed pursuant to 20 V.S.A. § 2481. The Town of St. George Board of Selectmen established the Fire District, and the Prudential Committee of the Fire District, by Order dated October 15, 1998. *Order of Selectmen of Town of St. George Creating Fire District No. 1.*, October 15, 1998.

4. The Fire District was established to acquire, construct, and maintain water works and all equipment and real estate used in connection therewith. The Order establishing the Fire District contemplates purchase of the Rocky Ridge water system and specifies certain powers of the Fire District. *Id.*

5. The lands and premises served by Rocky Ridge lie within the Fire District service area, which is composed of properties in the Town of St. George, Vermont. Supplemental Petition, August 4, 1999, at 2.

6. The owners of Rocky Ridge have submitted a proposed Quitclaim Deed in which they agree to convey all rights and title to Rocky Ridge to the Fire District. Petition of August 2, 1999, enclosed proposed Quitclaim Deed.

7. Rocky Ridge, the Prudential Committee of the Fire District, and the Department join in requesting that the Board revoke Rocky Ridge's Certificate of Public Good. Petition of August 2, 1999 at 1; Supplemental Petition, August 4, 1999 at 1; and Letter of Department of Public Service of September 1, 1999.

### III. DISCUSSION

No genuine issues of material fact exist. Therefore, this Order approves the transfer of assets from Rocky Ridge to the Fire District.<sup>2</sup> It also provides for the revocation of Rocky Ridge's Certificate of Public Good upon written notification to the Board that the transfer of the water system assets to the Fire District has been completed.

The Board has reviewed the petition and accompanying documents and agrees that the transfer and subsequent revocation of Rocky Ridge's Certificate of Public Good promotes the general good of the state and should be approved without hearing.

### ORDER

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

1. Pursuant to 30 V.S.A. § 109, the transfer of assets of the Rocky Ridge Development Water Corporation to the St. George Fire District No. 1 will promote the general good of the State of Vermont.
2. A certificate of consent to the transfer shall be issued.
3. Rocky Ridge Development Water Corporation shall notify the Board in writing that the transfer of Rocky Ridge to the Fire District is complete. Upon receipt of such written notification, the Certificate of Public Good of the Rocky Ridge Development Water Corporation shall be, and hereby is, revoked without further order of this Board.

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2. The Petitioners requested Board approval of the transfer under 30 V.S.A. § 109. The standard of review under this statute requires the Board to find that the transaction will promote the general good of the state. 30 V.S.A. § 109.

DATED at Montpelier, Vermont, this 22nd day of September, 1999.

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

OFFICE OF THE CLERK

FILED: September 22, 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.*