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ATTORNEY FOR PETITIONER

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

DONALD SORRELLS,	)	<b>Case No.</b> GNR-U-22-03
	)	
COMPLAINANT,	)	
	)	<b>SECOND DECLARATION OF DOYLE BECK</b>
v.	)	
	)	
SUNNYSIDE PARK UTILITIES, INC.,	)	
	)	
RESPONDENT.	)	
	)	
	)	

COMES NOW, Doyle H. Beck, who states and alleges as follows:

1. I am an adult, reside in Bonneville County, State of Idaho, and am the President and a Director of Sunnyside Park Utilities, Inc.
2. I am competent to testify and do so upon my personal knowledge.
3. Sunnyside Park Utilities, Inc. ("SPU"), was formed in 2002 for the purpose of providing water and sewer service to the owners and tenants of real property located within Sunnyside Industrial and Professional Park ("SIPP"), located in Bonneville County. SPU was not created to serve as the sole provider of water and sewer service within SIPP, nor has SPU held itself out as ready, willing and able to serve the needs of each owner or tenant in SIPP.
4. SPU evaluates new connections or expansions of existing connections on a case-by-case basis after evaluating the needs of the potential customer and the

remaining capacity available in SPU's system, and has refused to provide service to applicants where SPU's system was inadequate to meet the applicant's needs.

5. In 2022, SPU formally converted into an Idaho Non-Profit Corporation to satisfy concerns of the IPUC that SPU could potentially make profits or distributions in the future.
6. As an Idaho Nonprofit Corporation, it would be unlawful for SPU to make any distribution, as stated in Idaho Code Section 30-30-904 – 905, except upon dissolution.
7. SPU has not violated Idaho Code Section 30-30-904 by making any distribution to owners or directors of SPU.
8. No officer, director, or employee has taken a distribution or payroll from Sunnyside Park Utilities, Inc., since its inception in 2002.
9. Because the SPU formal conversion only occurred in 2022, no financial documents, cost analysis or tax returns have been prepared which could be provided to IPUC to establish that no unlawful distributions have occurred.
10. Declarant affirmatively states that SPU is both organized and operated for service at cost and not for profit.
11. Further this Declarant sayeth not.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF IDAHO THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATED this 17th day of January, 2023.

/s/ Doyle H. Beck  
Doyle H. Beck  
President/Director  
Sunnyside Park Utilities, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a true and correct copy of the following described pleading or document on the attorney listed below on this 17th day of January, 2023:

Document Served: SECOND DECLARATION OF DOYLE H. BECK

Party Served:

Paul B. Rippel, Esq.  
Austin O. Allen, Esq.  
HOPKINS RODEN CROCKETT  
HANSEN & HOOPES, PLLC  
428 Park Ave.  
Idaho Falls, ID 83402

Via E-mail

/s/ Paul L. Fuller  
Paul L. Fuller  
FULLER & BECK LAW OFFICES, PLLC