

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CAPITOL WATER) CASE NO. CAP-W-24-03
CORPORATION’S PETITION REQUESTING)
AN INVESTIGATION INTO FLYING H) NOTICE OF INVESTIGATION
TRAILER RANCH, INC.)
) ORDER NO. 36418
)

On November 12, 2024, Capitol Water Corporation (“Company”) petitioned¹ the Commission to investigate the Flying H Trailer Ranch, Inc. (“Flying H”).² The Company alleged that Flying H is an unregulated public utility operating a water system that serves a mobile home park within the Company’s certificated service area in Ada County, Idaho. The Company claimed that Flying H’s unlawful service of customers in the mobile home park deprived the Company of those customers, financially harming the Company. According to the Company, it can serve all the water users in the mobile home park. The Company requests that the Commission open a formal investigation into Flying H and find that it is a public utility operating unlawfully in the Company’s certificated service area. The Company further requests that this matter be processed via Modified Procedure.

At the Commission’s November 19, 2024 Decision Meeting, Staff presented a decision memorandum recommending the Commission formally investigate whether Flying H is operating as a public utility within the Company’s certificated service territory.

We find it reasonable to investigate the Company’s allegation that Flying H is operating as a public utility within the Company’s service territory under our statutory authority and jurisdiction under the Idaho Public Utilities Law, specifically *Idaho Code* § 61-501. The purpose of this investigation is to determine if Flying H should be a regulated utility under the Idaho Code and if any steps should be taken to comply with Idaho Public Utilities Law. Staff’s investigation should include whether Flying H is a public utility and what further steps, if any, should be taken to comply with Idaho law.

¹ The Company styled its petition as an application. However, it is properly designated as a petition because it requests the initiation of a proceeding, but does not request a right, certificate, permit or authority from the Commission. *See* IDAPA 31.01.01.052—.053.

² The Petition requests an investigation of “Flying H Trailor Ranch,” but the Idaho Secretary of State does not have a record of a company with that name. Rather, it appears that the correct name of the entity the Company wants investigated is Flying H Trailer Ranch, Inc.

We direct Flying H to respond to discovery questions and inquiries made by Commission Staff. Once Staff completes its investigation it shall make a recommendation to the Commission regarding Flying H's regulatory status and any further action necessary to comply with Idaho law.

ORDER

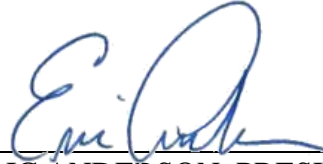
IT IS HEREBY ORDERED that Commission Staff shall investigate the status of Flying H. Staff shall provide a recommendation to the Commission for further action when it has concluded its investigation.

IT IS FURTHER ORDERED that Flying H shall respond to Staff inquiries and cooperate with the Commission Staff's investigation. Commission Staff is directed to issue production requests, written interrogatories or other forms of discovery necessary to pursue its statutory right to examine and audit the records of Flying H as they relate or pertain to the sale of water in Idaho.

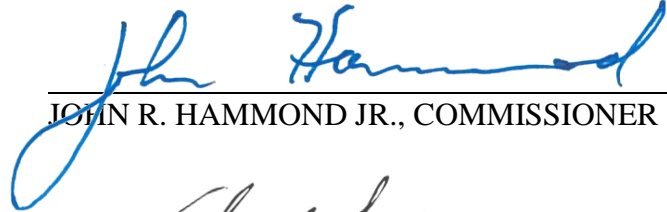
IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of December 2024.



ERIC ANDERSON, PRESIDENT

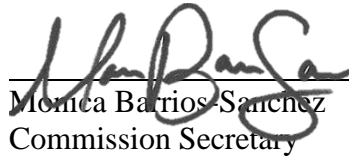


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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