DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

BOB SMITH

RANDY LOBB

DAVID SCOTT

WORKING FILE

FROM:SCOTT WOODBURY

DATE:AUGUST 29, 1997

RE:CASE NO. CAP-W-97-1

MOTION TO COMPEL AND REQUEST FOR HEARING

On May 30, 1997, Capitol Water Corporation (Capitol Water; Company) filed a complaint with the Idaho Public Utilities Commission (Commission) against Cole Road Company, LLC, dba Signature Point and Construction Partners, Inc.  (Respondents).  By Notice and Order issued August 15, 1997, the Commission scheduled a prehearing conference of the parties in Case No. CAP-W-97-1 for Thursday, September 11, 1997.  In its Notice the Commission states the following:

The Commission after reviewing and considering the filings of record in Case No. CAP-W-97-1, finds it reasonable to schedule a prehearing conference of the parties to explore the nature of relief requested by Capitol Water, and as pertains to same the statutory jurisdiction of the Commission and related Commission powers of enforcement.  The Commission further finds it reasonable to require the Company at the prehearing conference to demonstrate why alternative judicial forums for relief are not more appropriate in a contract action to recover alleged monies owed.

On August 22, 1997, Capitol Water Corporation filed a Motion with the Commission requesting an Order requiring each Respondent to fairly and completely respond to the Company’s first set of interrogatories and requests for production or documents.  The Company contends that each of the Respondents have answered discovery with a blanket objection that the Commission has no authority in this matter and therefore, the Respondents need not respond.  The Company requests that the Motion to Compel be argued and heard in conjunction with the prehearing conference before the Commission presently scheduled for September 11, 1997.

Commission Decision

Staff recommends that the Company’s Motion and related argument be calendered to immediately follow the scheduled prehearing conference in Case No. CAP-W-97-1.  What is the Commission’s preference?

Scott Woodbury

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