

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

INVESTIGATION INTO DRY CREEK) CASE NO. DRY-W-24-01
WATER COMPANY, LLC, OWNER OF A)
WATER SUPPLY AND DISTRIBUTION) NOTICE OF INVESTIGATION
SYSTEM)
ORDER NO. 36195
)

Dry Creek Water Company, LLC (“Company”), is an Idaho limited liability company that owns a water distribution system located north-west of Boise. The Company provides water to the Dry Creek Ranch community, and as of December 2023, serves 381 connections. When fully built out, the system is projected to serve significantly more connections. The Company is not currently regulated by the Idaho Public Utilities Commission (“Commission”) and does not possess a Certificate of Public Convenience and Necessity.

At the Commission’s May 7, 2024, Decision Meeting, Commission Staff (“Staff”) presented a decision memorandum recommending the Commission open a docket to formally investigate whether the Company is operating as a public utility that should be regulated by the Commission. Staff based this recommendation on customer complaints filed informally and information provided by the Company.

Considering the uncertainty surrounding the Company’s regulatory status, the Commission finds it reasonable to investigate the Company under our statutory authority and jurisdiction under the Idaho Public Utilities Law, specifically *Idaho Code* § 61-501 *et seq.* The purpose of this investigation is to determine whether the Company should be a regulated utility under the Idaho Code. Staff’s investigation should include whether the Company is a public utility that should be directed to apply for a Certificate of Public Convenience and Necessity, and what further steps, if any, the Company should take to comply with Idaho law.

NOTICE OF INVESTIGATION

YOU ARE HEREBY NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and it will review the case through written submissions.

YOU ARE FURTHER NOTIFIED that Staff and other persons desiring to state a position on this matter may file written comments. Persons who would like a hearing must specifically

request a hearing in their written comments. **Persons shall have until June 12, 2024, to file written comments.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s website at www.puc.idaho.gov. Click the “Case Comment Form” and complete the form using the case number as it appears on the front of this document.

To file by e-mail, persons must e-mail the comments to the Commission Secretary and all parties at the e-mail addresses listed below. Persons submitting a comment by e-mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by e-mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

If computer access is unavailable, then comments may be mailed to the Commission and the Parties at the addresses below. Persons submitting a comment by mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

Idaho Public Utilities Commission:

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

11331 W. Chinden Blvd.
Building 8, Suite 201-A
Boise, ID 83714

Dry Creek Water Company, LLC:

James H. Hunter, Manager
Dry Creek Water Company
923 S. Bridgeway Place
Eagle, ID 83616

Norman Semanko
Parsons Behle & Latimer
800 W. Main St., Ste. 1300
Boise, ID 83702
nsemanko@parsonsbehle.com

YOU ARE FURTHER NOTIFIED that the Company must file any reply comments by June 26, 2024.

ORDER

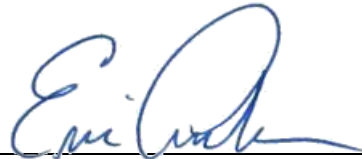
IT IS HEREBY ORDERED that Staff shall investigate the status of the Company and file written comments making a recommendation to the Commission for further action, if necessary. Staff may issue production requests, written interrogatories or other forms of discovery and pursue its statutory right to examine and audit the records of the Company as they relate or pertain to the sale of water.

IT IS FURTHER ORDERED that the Company is directed to cooperate with Staff's investigation.

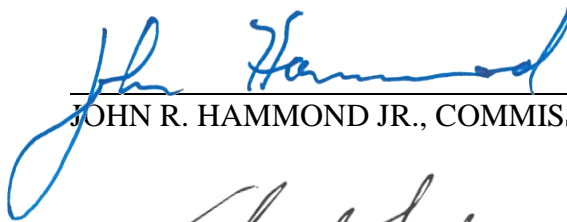
IT IS FURTHER ORDERED that Staff and other persons interested in submitting written comments must do so by June 12, 2024. The Company must file any reply comments by June 26, 2024.

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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th day of May 2024.



ERIC ANDERSON, PRESIDENT




JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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