

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 PROPOSED
SYSTEM) SETTLEMENT
)
) **NOTICE OF COMMENT**
) **DEADLINE**
)
) **ORDER NO. 36361**
)

On May 24, 2024, the Commission issued Order No. 36195, which opened a formal investigation into whether Dry Creek Water Company, LLC (“Company”) is operating as a public utility subject to Commission regulation. In the same Order, the Commission set public comment and Company reply deadlines. Commission Staff (“Staff”) filed comments, recommending that the Commission exercise regulatory jurisdiction over the Company.

On July 17, 2024, the Commission issued Order No. 36268 granting the Company the first of multiple extensions of its reply comment deadline to engage in settlement negotiations with Staff.¹ Over the next few months, the Company and Staff worked to resolve this case.

On September 23, 2024, Staff and the Company (collectively the “Parties”) filed a joint motion to approve a proposed settlement (“Proposed Settlement”) that they had entered. A copy of the Proposed Settlement was attached to the motion as Exhibit A.

We now issue this Order noticing the Proposed Settlement and establish a deadline for the public and all parties to comment on the Proposed Settlement.

NOTICE OF PROPOSED SETTLEMENT

YOU ARE HEREBY NOTIFIED that the Parties agree that the Company will amend its corporate papers to directly serve homeowners and apply for a Certificate of Public Convenience and Necessity (“CPCN”) so that it becomes formally regulated on January 1, 2025.

¹ The Company filed reply comments on June 26, 2024. However, in granting the Company’s first request to extend its reply comment deadline, the Commission deemed those comments preliminary and authorized the Company to file supplementary reply comments.

YOU ARE FURTHER NOTIFIED that the Company agrees to stop serving Dry Creek Ranch Homeowners Association (“HOA”) and begin directly serving and billing homeowners within the HOA by November 8, 2024.

YOU ARE FURTHER NOTIFIED that the Company will work with Staff to submit documents and other information reasonably necessary for the Commission to issue a CPCN in this case, effective January 1, 2025.

YOU ARE FURTHER NOTIFIED that Staff has reviewed the Company’s current service rates and believes them to be fair, just, and reasonable.

YOU ARE FURTHER NOTIFIED that the Company agrees that it will not increase its rates without Commission authorization.

YOU ARE FURTHER NOTIFIED that under Commission Rule 275, “[p]roponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in accordance with law or regulatory policy.” IDAPA 31.01.01.275.

YOU ARE FURTHER NOTIFIED that the Commission is not bound by the proposed Settlement reached by the Parties. The Commission will independently review any proposed settlement to determine whether the settlement is just, fair, and reasonable, and in the public interest, or otherwise in accordance with law or regulatory policy. The Commission may accept a settlement, reject a settlement, or state additional conditions under which a settlement will be accepted. IDAPA 31.01.01.274-.276.

NOTICE OF COMMENT DEADLINES

YOU ARE FURTHER NOTIFIED that the Commission seeks comments from the public on the Proposed Settlement. Persons desiring to state a position on the Proposed Settlement may file a written comment explaining why the person supports or opposes the Proposed Settlement. **All Parties and any other persons must file comments by October 18, 2024.** 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 home page 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.

YOU ARE FURTHER NOTIFIED that to file by e-mail, persons must e-mail the comments to the Commission Secretary and the Company 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.

YOU ARE FURTHER NOTIFIED that if computer access is unavailable, then comments may be mailed to the Commission and Company 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.

For the Idaho PUC:

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

For Dry Creek Water Company, LLC:

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

Jennifer Reinhardt-Tessmer
Kirton McConkie
1100 W. Idaho St., Ste. 930
Boise, ID 83702
jtessmer@kmlaw.com

ORDER

IT IS HEREBY ORDERED that all parties and any other persons desiring to submit written comments supporting or opposing the Proposed Settlement must do so by October 18, 2024.

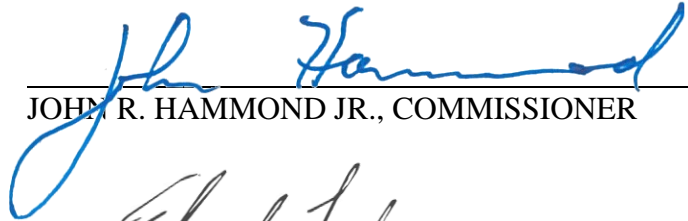
IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be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

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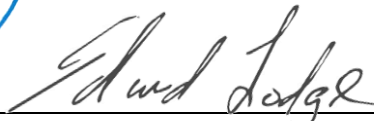
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of October 2024.



ERIC ANDERSON, PRESIDENT

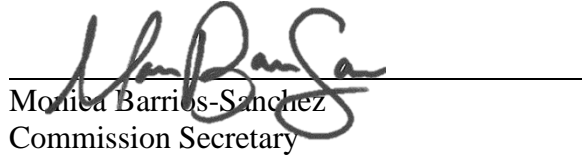


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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