

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** MATT HUNTER  
DEPUTY ATTORNEY GENERAL

**DATE:** DECEMBER 13, 2019

**SUBJECT:** IN THE MATTER OF FALLS WATER CO., INC.'S APPLICATION TO  
AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
NO. 236; CASE NO. FLS-W-19-02.

On December 2, 2019, Falls Water Co., Inc. ("Falls Water" or "Company") applied to the Commission to amend the Company's certificate of public convenience and necessity ("CPCN").

### THE APPLICATION

The Company seeks approval to amend its CPCN to add 13 areas contiguous to its certificated service area. Application at 2. The Company states it currently serves customers in Areas 1 through 8 and Area 13. *Id.* Falls Water states it expects to serve Areas 9 through 11 in the future. *Id.* at 3. Area 12 ("Honey Bee Acres") is a separate water system surrounded by Falls Water certificated territory. *Id.* The Company states Honey Bee Acres' operator contacted Falls Water about connecting the Honey Bee Acres system to Falls Water's system. *Id.* Falls Water seeks the Commission's approval to serve Honey Bee Acres. *Id.*

Falls Water also seeks Commission approval to transfer Area 14, and to sell Area 14's water system assets, to the City of Idaho Falls ("Idaho Falls"). *Id.* at 4. The Company states Idaho Falls annexed Area 14 and approached the Company about purchasing the 12-inch water main and 6-inch lateral in Area 14. *Id.* The Company states the sale would not affect the service provided to the Company's remaining customers, and that Idaho Falls would provide water service for Area 14 if the transaction is approved by the Commission. *Id.*

Finally, Falls Water seeks the Commission's approval, if required, of a memorandum of understanding with Idaho Falls meant to assist with long-range planning for the water systems of Falls Water and Idaho Falls. *Id.*

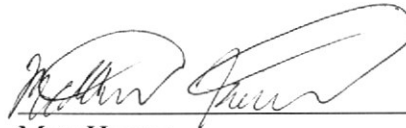
The Company requests its Application be processed by Modified Procedure. *Id.* at 5.

### **STAFF RECOMMENDATION**

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure, setting a March 11, 2020 comment deadline and a March 18, 2020 reply comment deadline.

### **COMMISSION DECISION**

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure, setting a March 11, 2020 comment deadline and a March 18, 2020 reply comment deadline?



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Matt Hunter  
Deputy Attorney General

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