

## DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON  
COMMISSIONER HAMMOND  
COMMISSIONER LODGE  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: DAYN HARDIE  
DEPUTY ATTORNEY GENERAL**

**DATE: OCTOBER 17, 2023**

**SUBJECT: IN THE MATTER OF FALLS WATER CO., INC.’S APPLICATION FOR  
THE AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR  
WATER SERVICE IN THE STATE OF IDAHO; CASE NO. FLS-W-23-01.**

On May 12, 2023, Falls Water Co., Inc., (“Company”) applied for authorization to raise the rates it charges for water service. The Company requests an approximate 47.3% increase in revenue collected and a 7.71% rate of return. The Company requests a July 1, 2023, effective date.

On June 5, 2023, the Commission issued a Notice of Application, Notice of Intervention Deadline, and suspended the Company’s proposed effective date for five months pursuant to *Idaho Code* § 61-622(4). Order No. 35806. No other party intervened.

On August 2, 2023, the Commission issued a Notice of Customer Workshop, and a Notice of Modified Procedure establishing an October 12, 2023, deadline for public comments and November 2, 2023, Company reply deadline. Order No. 35872.

On September 7, 2023, the Commission issued a Notice of Customer Hearing for October 23, 2023. Order No. 35914.

On September 14, 2023, Staff, through its legal counsel, provided Notice of Settlement Negotiations pursuant to Rule of Procedure 272. IDAPA 31.01.01.272. Subsequently the parties have had multiple rounds of settlement discussions.

On October 13, 2023, the Commission issued a Notice of Amended Comment Deadline moving the public comment deadline to October 26, 2023. Order No 35960.

### **STAFF RECOMMENDATION**

Staff and the Company have recently agreed to the terms of a proposed settlement but have yet to memorialize those terms or file the proposed settlement. Since a proposed settlement will be filed soon and a customer hearing is already scheduled for October 23, 2023, Staff believes it would be best to vacate the customer hearing and reschedule it after the proposed settlement has been filed. Additionally, after conferring with the Company, Staff recommends the Commission extend the suspension period until December 15, 2023.<sup>1</sup>

### **COMMISSION DECISION**

Does the Commission wish to issue an order vacating the customer hearing scheduled for October 23, 2023 and extending the suspension of the effective date until December 15, 2023?



Dayn Hardie  
Deputy Attorney General

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<sup>1</sup> Typically, the Commission suspends rate case filings for 30 days plus five months pursuant to its authority in *Idaho Code* § 61-622(4). In Order No. 35806, the Commission suspended the Company's proposed effective date of July 1, 2023, for five months.