

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION)	CASE NO. GNR-W-17-01
INTO WHETHER VP, INC. IS A PUBLIC)	
UTILITY SUBJECT TO REGULATION BY)	NOTICE OF MODIFIED
THE IDAHO PUBLIC UTILITIES)	PROCEDURE
COMMISSION)	
)	ORDER NO. 35842
)	

Beginning in 2017, the Idaho Public Utilities Commission (“Commission”) received inquiry regarding the regulatory status of VP, Incorporated (“the Company”), a private water and sewer company located near Sandpoint, Idaho. The Company has not been regulated by the Commission and does not possess a certificate of public convenience and necessity (“CPCN”).

The Commission directed the Commission Staff (“Staff”), pursuant to its statutory authority and jurisdiction under the Idaho Public Utilities Law, specifically *Idaho Code* §§ 61-612 and 61-501, to investigate whether or not the Company is operating as a public utility and if any steps should be taken by the Company to comply with Idaho law. Order No. 33929 at 1.

Ongoing litigation concerning issues of ownership of the water system and service obligations between the Company and Valiant Idaho, LLC, stalled Staff’s investigation. Now, with the recent development regarding Valiant Idaho, LLC’s and TIC Utilities, LLC’s sale of certain water system assets, many of the legal issues have been resolved allowing for the investigation to resume.

In Order No. 35700, the Commission directed the Company to respond to discovery questions and inquiries made by Staff, and notified the Company that Staff would make a recommendation to the Commission regarding the Company’s status, a requirement of a CPCN, and any further recommendations regarding the adequacy of service, and rate setting. The Commission now issues this Notice of Modified Procedure establishing deadlines for interested persons and parties to comment on the Investigation and for the Company to reply.

NOTICE OF MODIFIED PROCEDURE

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 under the Commission’s Rules of Modified Procedure Rules 201-204 of the Idaho

Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Investigation may file a written comment explaining why they support or oppose the Investigation. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons shall have until July 25, 2023, 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, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

**For the 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

For VP:

Richard A. Villelli
VP Incorporated
P.O. Box 1785
Sandpoint, ID 83864-0903
dick@villellipnw.com

Susan Weeks
1626 Lincoln Way
Coeur d'Alene, ID 83814
sweeks@jvwlaw.net

YOU ARE FURTHER NOTIFIED that the Company must file any reply comments **by August 9, 2023.**

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS FURTHER ORDERED that the Company's Investigation be processed by Modified Procedure. Persons interested in submitting written comments must do so by July 25, 2023. The Company must file any reply comments by August 9, 2023.

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 3rd day of July 2023.



ERIC ANDERSON, PRESIDENT

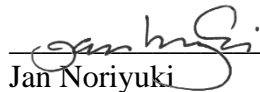


JOHN R. HAMMOND JR, COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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