

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) ORDER NO. 36349
THE IDAHO PUBLIC UTILITIES)
COMMISSION)
)

On November 14, 2023, the Commission issued Order No. 35998 in this case. In addition to concluding that VP, Inc. (“VP”) is a water corporation subject to Commission jurisdiction, Order No. 35998 directed VP to apply for a Certificate of Public Convenience and Necessity (“CPCN”) within 60 days and submit certain information with its application. Two notable pieces of information required by Order No. 35998 were (1) evidence of the physical separation of VP’s water system from that of Valiant Idaho, LLC (“Valiant”); and (2) acknowledgement of the separation by the Idaho Department of Environmental Quality (“IDEQ”).

On January 11, 2024, VP applied for a CPCN (“Application”) in a separate case. *See* Case No. VPI-W-24-01. The Company attached about one hundred pages of documents to the Application as exhibits.

On September 3, 2024, in Case No. VPI-W-24-01, the Commission issued Order No. 36313, which granted VP’s application for a CPCN, approved rates and charges for VP, and directed the Company to submit tariffs that reflect those rates and charges.

During the Commission’s September 17, 2024, decision meeting, Staff presented a decision memorandum, recommending that the Commission close this docket, even though VP had not yet complied with the directives in Order No. 35998 related to the physical separation of its water system from that of Valiant.

COMMISSION DISCUSSION AND FINDINGS

Since the issuance of Order No. 35998, this docket has remained open to ensure VP’s compliance with the directives in that Order. Although VP has applied for a CPCN as directed, it has yet to physically separate its water system from that of Valiant. However, even if this docket is closed, we could take steps to enforce the separation requirement contained in Order No. 35998. Moreover, other governmental entities (like IDEQ) have authority to enforce a similar separation requirement. Accordingly, we see no reason to keep this docket open. Instead of monitoring an open docket, we find it reasonable to close this docket and direct VP to provide written notice to

Staff within 14 days of separating its water system from that of Valiant as required by Order No. 35998.

ORDER


IT IS HEREBY ORDERED that, within 14 days of the separation of its water system from that of Valiant, VP shall provide Staff with written notice that the separation has been completed. When Staff receives confirmation of physical separation it should ensure the notice is filed in this case and enter a memorandum confirming that the physical separation meets the requirements of Order No. 35998.

IT IS FURTHER ORDERED that this docket is closed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th 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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