

DECISION MEMORANDUM

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

**FROM: CLAIRE SHARP
DEPUTY ATTORNEY GENERAL**

DATE: JUNE 20, 2023

**SUBJECT: IN THE MATTER OF THE INVESTIGATION INTO WHETHER VP, INC.
IS A PUBLIC UTILITY SUBJECT TO REGULATION BY THE IDAHO
PUBLIC UTILITIES COMMISSION; CASE NO. GNR-W-17-01.**

BACKGROUND

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 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, it appears that many of the legal issues have been resolved.

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, once Staff completed its investigation, or at the appropriate time.

STAFF'S RECOMMENDATION

Staff recommends the Commission issue a Notice of Modified Procedure establishing a July 25, 2023, public comment deadline and an August 9, 2023, Company reply deadline.

COMMISSION DECISION

Does the Commission wish to issue a notice of Modified Procedure and establish a July 25, 2023, public comment deadline and an August 9, 2023, Company reply deadline?



Claire Sharp
Deputy Attorney General

I:\Legal\WATER\GNR-W-17-01\Memos\GNR-W-17-01_dec2_cs.docx