

DECISION MEMORANDUM

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

FROM: ADAM TRIPLETT
DEPUTY ATTORNEY GENERAL

DATE: JUNE 25, 2024

SUBJECT: INVESTIGATION INTO VALIANT IDAHO, INC. AND TIC UTILITIES, LLC, OWNERS OF A NORTHERN IDAHO WATER SUPPLY AND DISTRIBUTION SYSTEM; CASE NO. GNR-W-24-01.

Valiant Idaho, Inc. (“Valiant”) and TIC Utilities, LLC (collectively the “Companies”) own and operate a water supply and distribution system that serves customers in a development and golf club called the Idaho Club in or near Bonner County, Idaho.¹ Valiant obtained the water system assets along with an undeveloped portion of the Idaho Club and land comprising the golf course at a 2016 sheriff sale. *See* Case No. GNR-W-17-01 (Sept. 14, 2017, Decision Memo at 1). Ownership of the water system assets and service to the parcels Valiant owns has been the subject of litigation in state district court. *See Genesis Golf Builders v. Pend Oreill Bonner, et al.*, Case No. cv-2009-0001819 (Idaho 1st Dist., April 2017) (order granting injunction).

The Commission directed Staff, pursuant to its statutory authority and jurisdiction under the Idaho Public Utilities Law, specifically *Idaho Code* § 61-501, to investigate whether the Companies are operating as a public utility and if any steps should be taken by the Company to comply with Idaho law. Order No. 36149.

The Commission also directed the Companies to respond to discovery questions and inquiries made by Staff, and notified the Companies that Staff would make a recommendation to the Commission regarding the Companies’ status, a requirement of a CPCN, and any further

¹ According to prior communications with the Companies, Valiant Idaho, Inc. owns the water system assets and TIC Utilities, LLC operates the system.

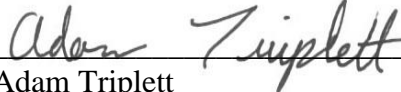
recommendations regarding the adequacy of service, and rate setting, once Staff completed its investigation.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Modified Procedure establishing a July 18, 2024, public comment deadline and an August 1, 2024, Company reply deadline.

COMMISSION DECISION

Does the Commission wish to issue a notice of Modified Procedure and establish a July 18, 2024, public comment deadline and an August 1, 2024, Company reply deadline?


Adam Triplett
Deputy Attorney General

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