

## DECISION MEMORANDUM

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

**FROM:** RILEY NEWTON, CHRIS BURDIN  
DEPUTY ATTORNEYS GENERAL

**DATE:** MARCH 14, 2023

**SUBJECT:** IN THE MATTER OF GEM STATE WATER COMPANY LLC'S  
APPLICATION FOR AN ORDER AUTHORIZING AN INCREASE IN ITS  
RATES AND CHARGES FOR WATER SERVICE IN THE STATE OF  
IDAHO; CASE NO. GSW-W-22-01.

On July 21, 2022, Gem State Water Company, LLC (“Company”) filed an Application requesting Idaho Public Utilities Commission (“Commission”) authorization to increase its rates and charges for water service. The Company requested its Application be processed by Modified Procedure and that any changes to its rates and charges be effective for bills rendered on or after September 1, 2022.

On March 1, 2023, the Commission issued Order No. 35692 approving an annual revenue requirement for the Company of \$789,004 and a corresponding rate design. Order No. 35692 at 16, Attachment 2, “Gem State Water, Approved Rates.”

On March 13, 2023, the Company submitted a “Petition for Clarification or Reconsideration” (“Petition”) explaining that “calculations related to taxes were not adjusted” in Order No. 35692. Petition at 1. As a result of this “oversight,” the Company explained that the Commission’s approved revenue requirement was incorrectly calculated. *Id.* at 2.

On March 13, 2023, Staff and the Company filed a joint motion to Extend the Deadline to File Conforming Tariffs and for Procedural Relief (“Motion”).

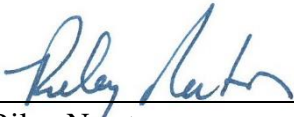
### STAFF ANALYSIS AND RECOMMENDATION

Staff notes that Order No. 35692 requires the Company to file conforming tariffs by March 15, 2023. However, Staff further notes that the substance of the Company’s tariffs will be contingent on a final Commission order on the Company’s revenue requirement—the subject of

the Company's pending Petition. Staff will analyze the Company's claims in its Petition and file an Answer in response. Staff believes it would be economical and reasonable for the Company to file conforming tariffs after a Commission determination on a final revenue requirement and associated adjustments. But, consistent with IDAPA 31.01.01.331, a Commission determination on the Company's Petition will not occur until sometime after the March 15, 2023, deadline. Thus, Staff recommends the Commission extend the deadline in Order No. 35692 to allow the Company additional time to file conforming tariffs.

### **COMMISSION DECISION**

Does the Commission wish to grant the Parties' Motion to extend the deadline in Order No. 35692 to allow the Company to file conforming tariffs until after the Commission issues a final determination on the Company's Petition?

  
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Riley Newton  
Deputy Attorney General

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