

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF GEM STATE WATER	)	CASE NO. GSW-W-24-01
COMPANY, LLC'S APPLICATION FOR	)	
AUTHORITY TO INCREASE ITS RATES	)	ORDER NO. 36825
AND CHARGES FOR WATER SERVICE	)	
	)	

On December 27, 2024, Gem State Water Company, LLC (“the Company”) applied to raise its rates and charges for water service in Idaho. The Company requested that the new rates take effect on February 1, 2025, and requested that the application be processed by Modified Procedure.

On July 31, 2025, the Commission issued a Final Order authorizing the Company to increase its rates for water service. Order No. 36703.

Between August 22, 2025, and September 19, 2025, various customers of the Company filed four documents styled variously as petitions for reconsideration, cross-petitions for reconsideration, and amended petitions for reconsideration (collectively “Petitions”).

On September 26, 2025, the Commission issued Order No. 36769, which denied three of the four Petitions as untimely. The fourth petition was filed too late to be deliberated and addressed in Order No. 36769. It remains pending. With this Order, we deny this petition for the reasons described below.

ORDER NO. 36703

In Order No. 36703, the Commission granted the Company a revenue requirement of \$1,137,498, resulting from a 9.8% Return on Equity applied to a net rate base of \$3,774,729. Additionally, the Commission approved a rate design that lowered the monthly water allowance for most of the Company’s customers, authorized certain non-recurring charges, and required the Company to address significant unexplained water loss in its systems.

PETITION FOR RECONSIDERATION

On September 12, 2025, Martin Reighard filed what he styled an Amended Petition for Reconsideration (“Amended Petition”). Attached to the Amended Petition as exhibits were copies of a letter addressed to the Office of the Idaho Attorney General and photos of a certified mail receipt ostensibly indicating that the letter was postmarked on August 4, 2025.

The Amended Petition also mentions and purports to incorporate by reference the three earlier Petitions that were denied in Order No. 36769. Additionally, the Amended Petition expressed concerns about the Company, whose corporate parent is based in Oregon, acquiring water systems in Idaho. Specifically, the Amended Petition asserted that this was troubling because it placed control of Idaho's natural resources in the hands of entities driven by profit rather than public interest. The Amended Petition also questioned the fairness of a foreign company dictating consumer water usage, asserting that such corporations should be limited to delivering the resource without controlling its use.

A 14-page letter attached to the Amended Petition as an exhibit, addressed to the Idaho Attorney General, raised multiple concerns regarding the Company's operations. It described a sudden well shutdown that caused water pressure to drop below 20 pounds per square inch, leaving some customers without safe drinking water for several days and prompting requests for reimbursement. The letter highlighted the repeated rate increases customers have experienced since the Company acquired the Idaho water systems affected by this case, the Company's foreign ownership, inconsistent communication, and a lack of transparency during the most recent rate case.¹

In summary, the letter urged the State to take a more active role in overseeing the Company. It emphasized the need for greater transparency and stronger consumer protections. The authors called on the Commission and Attorney General to examine the Company's rates, financial practices, and customer communications to ensure that service remains safe, fair, and accountable. They also insisted that any future rate increases be tied to actual system operating costs, not corporate profit goals.

COMMISSION FINDINGS AND DECISION

Reconsideration provides an opportunity for a party to bring to the Commission's attention any question previously determined and thereby affords the Commission an opportunity to rectify any mistake or omission it may have made. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). Under *Idaho Code* § 61-626(1), a petition for reconsideration must be filed within 21 days of the order being challenged.

¹ We note that all filings made in the Company's most recent rate case are available for public review on the Commission's website, <https://puc.idaho.gov/>.

Once a petition for reconsideration is filed, there is a seven-day period for persons to file a cross-petition addressing the issues raised in the original petition.

The Commission is a creature of statute and has only the authority granted to it by statute. *See Idaho State Homebuilders v. Washington Water Power*, 107 Idaho 415, 418, 690 P.2d 350, 353 (1984). The Commission does not have authority to modify, invalidate, or depart from statutory mandates. *Idaho Code* § 61-626 does not authorize the Commission to modify the deadlines that it establishes. Accordingly, the Commission is required to adhere to and enforce those deadlines.

Moreover, just like the judicial courts of Idaho, we hold unrepresented individuals to the same standard as those represented by attorneys. *Cf. Greenfield v. Smith*, 162 Idaho 246, 253, 395 P.3d 1279, 1286 (2017), *abrogated on other grounds by Rich v. Hepworth Holzer, LLP*, 172 Idaho 696, 535 P.3d 1069 (2023). In other words, participants in Commission proceedings are not afforded special solicitude because they are representing themselves, and they must abide by the applicable procedural rules. *Cf. id.*

Despite its title, the Amended Petition is not truly an amended petition for reconsideration. To qualify as such, it would need to revise or supplement a prior petition for reconsideration properly filed with the Commission. IDAPA 31.01.01.066 (stating that parties may receive Commission authorization to amend any pleading). However, Mr. Reighard, whose name appears at the top of the Amended Petition but who did not sign it, never filed a petition for reconsideration of Order No. 36703 that could be amended. Mr. Reighard ostensibly considers the Amended Petition to be an attempt to “amend” the 14-page letter attached to it, which states customers are petitioning for reconsideration.

The letter is not a properly filed Petition for Reconsideration. First, the letter was never properly filed with the Commission. Pleadings, like Petitions for Reconsideration or Amendments thereto, must be filed with the Commission Secretary. *See* IDAPA 31.01.01.014; 31.01.01.051; 31.01.01.061. The letter attached to the Amended Petition was not addressed to the Commission Secretary. Rather, the letter is addressed to the attorney general, relates certain complaints about the Company’s service, and requests that the attorney general take certain action. Although the Idaho Attorney General is the Commission’s attorney, *see Idaho Code* § 61-204, as stated previously only the Commission Secretary is authorized to accept pleadings in cases before the

Commission. *See* IDAPA 31.01.01.014.02 (establishing the Commission Secretary as the entity to accept filings with the Commission).

Second, petitions for reconsideration must state why an issue decided within the order being challenged was unreasonable, unlawful, erroneous or not in conformity with the law as required. *See* IDAPA 31.01.01.331.01. The letter describes a sudden well failure that left customers without safe water and raised concerns over repeated rate hikes, foreign ownership, poor communication, and lack of transparency. The letter also sought stronger state oversight of the Company, urging the Commission and Attorney General to review its rates, finances, and communications to ensure fair and accountable service, and to base any future rate increases on real operating costs instead of profit motives. However, the letter did not state how an issue decided in Order No. 36703 was unreasonable, unlawful, erroneous or not in conformity with the law. Because the letter is not a properly filed Petition for Reconsideration, the Amended Petition is not a valid Amended Petition for Reconsideration. Indeed, even if the letter were a valid Petition for Reconsideration, Mr. Reighard would need to ask for and receive permission from the Commission to file an amendment to it. *See* IDAPA 31.01.01.066 (stating the Commission may allow any pleading to be amended). Petitioners cannot amend a Petition for Reconsideration as of right.

Even if we were to deem the Amended Petition to be an initial Petition for Reconsideration, we would still deny it as untimely. Order No. 36703 that Mr. Reighard seeks to challenge issued on July 31, 2025. Thus, he had until August 21, 2025, to file a petition for reconsideration. *See* IDAPA 31.01.01.331.01. Mr. Reighard missed this deadline as the Commission Secretary did not receive his purported Amended Petition until September 12, 2025.

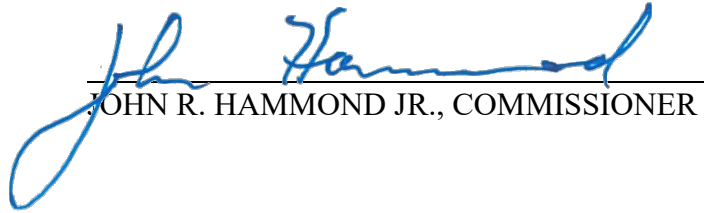
ORDER

IT IS HEREBY ORDERED that Mr. Reighard's Amended Petition for Reconsideration is denied.

THIS IS A FINAL ORDER. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho under the Public Utilities Law and the Idaho Appellate Rules.

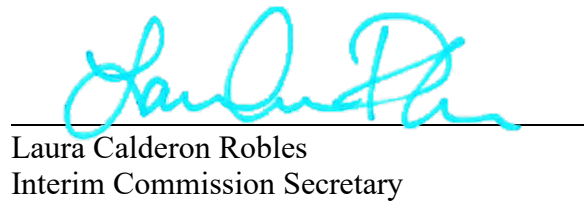
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th day of November 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER

Recused
DAYN HARDIE, COMMISSIONER

ATTEST:


Laura Calderon Robles
Interim Commission Secretary

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