BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE COMMISSION'S CASE NO. ISL-W-11-01) **INVESTIGATION OF ISLAND PARK**) **COMPANY, INC.'S BILLING PRACTICES**) **NOTICE OF REVIEW**) NOTICE OF)) **MODIFIED PROCEDURE**) **ORDER NO. 34662**)

On June 21, 2011, the Commission opened an investigation into Island Park Water Company, Inc's ("Company") billing practices. *See* Order No. 32268. In Order No. 32268 the Commission ordered the Company to comply with specific directives.

The Commission issues this Notice and Order to provide a process to review and determine whether the Company has complied with the Commission's directives in Order No. 32268. This matter will be processed by Modified Procedure and this Notice and Order sets comment and reply deadlines.

BACKGROUND

Island Park Water Company, Inc. ("Company") is located in eastern Idaho near West Yellowstone, where it provides water services to its customers. In 2010 and 2011, Company customers complained to the Commission that the Company was charging them a different annual rate than the rate specified in the Company's tariff schedule. More specifically, the Company issued annual water bills charging customers on a "per lot basis" instead of a "per customer" or per connection basis. Commission Staff subsequently investigated the complaints and obtained substantiating information.

Based on the complaints and Staff's investigation, the Commission on its own motion issued an emergency Order directing the Company to: (1) cease all billing practices that conflict with the tariff; (2) refrain from terminating service to customers who did not pay annual bills that conflict with the tariff; (3) send corrected invoices to all customers who were billed incorrectly and simultaneously provide copies to the Commission; (4) repay customers for any amounts collected based on a rate exceeding the rate allowed by the tariff; (5) send a copy of its current customer list to the Commission; and (6) provide Staff with a specific date and time that the Commission's auditors may visit the Company. Order No. 32268 at 1-3.

NOTICE OF REVIEW

YOU ARE HEREBY NOTIFIED that this matter comes to the Commission for review for it to determine whether the Company has complied with, in whole or in part, the directives in Order No. 32268. If the Company has complied with these directives or sufficient, substantial progress has been made by the Company toward compliance the Commission will consider whether this case can be closed.

YOU ARE FURTHER NOTIFIED that Order No. 32268 is available on the Commission's web site at <u>www.puc.idaho.gov</u>. Click on the "Water" tab first, then the "Open Cases" tab, and then the case number "ISL-W-11-01" as also shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code. The Commission may enter any final order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq*.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that anyone desiring to state a position on the issues in the case must file written comments with the Commission **within twenty-one (21) days from the service date of this Notice**. The comment must explain why the person who filed them supports or opposes whether the Company has complied with the directives in Order No. 32268 or not. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this case should be sent electronically to the Commission and the Company at the email addresses reflected below:

NOTICE OF REVIEW NOTICE OF MODIFIED PROCEDURE ORDER NO. 34662 Commission Secretary Idaho Public Utilities Commission P.O. Box 83720 Boise, ID 83720-0074 Email: <u>secretary@puc.idaho.gov</u> Dorothy McCarty Island Park Water Company, Inc. P.O. Box 2521 Idaho Falls, ID 83403 Email: water@ida.net

Street Address for Express Mail:

11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, ID 83714

If a person cannot send comments by email, they may be submitted by mailing them to the addresses above. Comments should contain the case caption and case number shown on the first page of this document. Persons submitting comments by email may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Case Comment Form" under "Consumers", and complete the comment form using the case number, as it appears on the front of this document. These comments must also be sent to the Company.

YOU ARE FURTHER NOTIFIED that the Company must file any reply comments within twenty-eight (28) days from the service date of this Notice.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS HEREBY ORDERED that this case be processed by Modified Procedure, Rules 201 - 204 (IDAPA 31.01.01.201 through .204). Persons wishing to file written comments must do so within twenty-one (21) days from the service date of this Notice. The Company must file any reply comments within twenty-eight (28) days from the service date of this Notice.

IT IS FURTHER ORDERED that parties continue to comply with Order No. 34602, issued March 17, 2020. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

NOTICE OF REVIEW NOTICE OF MODIFIED PROCEDURE ORDER NO. 34662 DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6th day of May 2020.

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PAUL KJELLANDER, PRESIDENT

KRISTINE RAPER, COMMISSIONER

ERIC ANDERSON, COMMISSIONER

ATTEST: anian

Diane M. Hanian Commission Secretary

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