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*Attorneys for Island Park Water Co.*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF ISLAND PARK  
WATER COMPANY'S FAILURE TO  
COMPLY WITH IDAHO PUBLIC  
UTILITIES COMMISSION REPORTING  
AND FISCAL REQUIREMENTS,

Case No. ISL-W-23-01

**MOTION TO CONTINUE SHOW  
CAUSE HEARING OR, IN THE  
ALTERNATIVE, TO ALLOW  
HEARING BY ZOOM OR WEBEX**

Island Park Water Company ("IPWC"), moves the Idaho Public Utilities Commission to continue the show cause hearing presently scheduled for March 13, 2023, at 11:00 a.m., local time, in the Commission's hearing room, at 11331 W. Chinden Blvd., Building #8, Suite 201-A, Boise, ID 83714; or, in the alternative, to allow IPWC to appear by and through its President, Dorothy McCarty, by means of Zoom or Webex, or some other electronic platform. The Motion is based upon the following grounds:

1. Rule 256 of the Commission's Rules of Procedure, IDAPA 31.01.01.256, allows for procedure relief on shorter than fourteen (14) days notice;

2. Rule 243.02 of the Commission's Rules of Procedure, IDAPA 31.01.01.243.02, allows that hearings may be held . . . , by telephone, or other electronic means if each participant has an opportunity to participate in the entire proceedings while it is taking place;

3. Dorothy McCarty, the President of IPWC is seventy-eight (78) years old;

4. Dorothy McCarty suffers from a physical condition known and diagnosed as wet macular degeneration;

5. Ms. McCarty's wet macular degeneration requires injections into each eye every four (4) weeks;

6. As a result of her eye condition, it is difficult for Ms. McCarty to focus on documents or a roadway for extended periods of time;

7. As a result of the eye injections, Ms. McCarty's computer screen time is limited to no more than three (3) hours per day;

8. Ms. McCarty, in July of 2022, suffered a left hip muscular tear and a right ankle fracture which requires physical therapy three (3) times per week and which is currently ongoing;

9. Ms. McCarty is now being fitted for a brace for her right ankle, with an expected healing time of eight to twelve (8 – 12) months. The right ankle problem presents a problem in extended driving times and walking times;

10. IPWC contracts with McCarty Management Services, LLC (Ms. McCarty) for operations. (Ms. McCarty is the only person who can address the inquiries of the Idaho Public Utilities Commission);

This motion is supported by the Affidavit of Dorothy McCarty, attached hereto as Exhibit "A".

DATED THIS 6<sup>th</sup> day of March, 2023.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By   
Marvin M. Smith, ISB No. 2236  
*Attorneys for Island Park Water Co.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6<sup>th</sup> day of March, 2023, I caused to be served a true copy of the foregoing MOTION TO CONTINUE SHOW CAUSE HEARING OR, IN THE ALTERNATIVE, TO ALLOW HEARING BY ZOOM OR WEBEX by the method indicated below, and addressed to each of the following:

Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Facsimile
- iCourt

  
Marvin M. Smith, ISB No. 2236

# **EXHIBIT “A”**

Marvin M. Smith, ISB No. 2236  
HAWLEY TROXELL ENNIS & HAWLEY LLP  
2010 Jennie Lee Drive  
Idaho Falls, ID 83404  
Telephone: 208.529.3005  
Facsimile: 208.529.3065  
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AND FISCAL REQUIREMENTS,

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**AFFIDAVIT OF DOROTHY  
MCCARTY**

STATE OF IDAHO            )  
                                      :SS  
County of Bonneville        )

Dorothy McCarty, being first duly sworn upon oath, deposes and states as follows:

1. I am seventy-eight (78) years of age and am otherwise competent to testify as to the matters contained herein based on my own personal knowledge.
2. Affiant is the President of Island Park Water Company ("IPWC"), and has been so since 2010.

3. Affiant is seventy-eight (78) years of age and is currently the only contracted agent of IPWC, and is the only person with sufficient knowledge and experience to answer the inquiries of the Idaho Public Utilities Commission.

4. Affiant currently suffers from a condition known as wet macular degeneration, which condition was diagnosed on November 11, 2022.

5. As a treatment for Affiant's wet macular degeneration, Affiant receives injections in each eye every four (4) weeks, and is required to limit Affiant's computer screen time to three (3) hours per day, after such injections. (*See*, attached note, prescription and order).

6. Affiant's last injection occurred on March 2, 2023, and is scheduled to receive another injection on March 30, 2023. (*See*, attached office note – redacted).

7. In addition to the macular degeneration, Affiant is recovering from a left hip muscular tear and a right ankle fracture which requires physical therapy treatments three (3) times per week, which treatments are currently continuing. (*See*, attached note from therapist).

8. The right ankle fracture requires Affiant to wear a brace and the healing time for the right ankle fracture has been estimated to be eight to twelve (8 – 12) months.

9. The macular degeneration and the ankle fracture make it difficult for Affiant to drive or walk for extended periods of time, and to visually focus on documents, or computer screens.

Based upon Affiant's physical limitations and restrictions, Affiant would request the continuance of the presently scheduled Order to Show Cause Hearing, or in the alternative, to allow Affiant to appear by Zoom or Webex, or some other electronic platform at the presently scheduled Show Cause Hearing.

DATED THIS 6<sup>th</sup> day of March, 2023.

By Dorothy L. McCarty  
Dorothy McCarty

SUBSCRIBED AND SWORN before me this 6<sup>th</sup> day of March, 2023.



Cheri Vandermeulen  
Notary Public for Idaho  
Residing at Idaho Falls  
My commission expires 4-13-2028

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6<sup>th</sup> day of March, 2023, I caused to be served a true copy of the foregoing AFFIDAVIT OF DOROTHY MCCARTY by the method indicated below, and addressed to each of the following:

Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Facsimile
- iCourt



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Marvin M. Smith, ISB No. 2236





## Macular Degeneration & Vitamins

Age-related Macular Degeneration (AMD) is a condition that causes damage and loss of function of the central part of the retina called the macula. AMD causes central vision loss for both near and far vision. Unfortunately, AMD is the leading cause of severe vision loss in people 65 years of age and older.

There are two main types of AMD - Wet and Dry. Ninety percent of patients who have AMD have the "dry" form. Dry AMD causes gradual vision loss over many years. Wet AMD is much less common, but much more aggressive and can cause acute vision loss over days to weeks.

There is no cure for AMD. Treatment options for AMD are intended to prevent future vision loss. The most significant studies regarding the treatment of dry AMD are the Age Related Eye Disease Study (AREDS) and AREDS2 studies. The most recent data suggests that patients should take the following vitamins:

- Vitamin C 500 mg
- Vitamin E 400 IU
- Lutein 10 mg/zeaxanthin 2 mg
- Zinc (as zinc oxide) 80 mg
- Copper (as cupric oxide) 2 mg

AREDS formula vitamins are sold over the counter under many different brand names. If you have a history of smoking, you should avoid any supplements with Beta-Carotene. Beta-Carotene supplements may increase the risk for lung cancer in smokers. Omega 3 fatty acids were tested and were not shown to have any beneficial impact in patients with macular degeneration.

It is safe to continue your daily multivitamin while taking the AREDS formula. However, you should not take any additional lutein, zeaxanthin, vitamin C, vitamin E, zinc or copper. Notify your primary doctor prior to starting these vitamins

**PREMIER EYE CARE  
OF EASTERN IDAHO**

**SAMUEL W. BECKSTEAD, DO**  
OPHTHALMIC PLASTIC & RECONSTRUCTIVE SURGEON  
**CLINTON R. ELLINGSON, MD**  
VITREORETINAL SPECIALIST & SURGEON  
**JOSHUA R. FULLMER, MD**  
COMPREHENSIVE OPHTHALMOLOGIST



**JASON G. HOOTON, MD**  
CORNEA SPECIALIST & CATARACT SURGEON  
**KYLE G. THOMPSON, MD**  
VITREORETINAL SPECIALIST & SURGEON  
**MATTHEW P. TRAYNOR, MD**  
GLAUCOMA SPECIALIST & CATARACT SURGEON

Name		Chart#	DOB	Race	Ethnicity	Pref. Language
Dorothy Mccarty		[REDACTED]	10/16/1944 (78 Years)	White	[REDACTED]	English
Gender	Date	Location	Refer Doctor	PCP	Insurance	
Female	3/2/2023	Premier Eye Care Idaho Falls		[REDACTED]	[REDACTED]	

**Reason For Visit:** Injection Visit - Corneal Foreign Body OD, Initial Encounter.

**HPI:** CC: 2/3 IVL 0.5 OU. [REDACTED]

**Systemic Meds:** Steroid Shot - Foot Fracture.

**VA OD:** Dsc20/30-2. PH20/20-2. **OS:** Dsc20/30-2. PHNI.

**IOP:** iCare **OD:** 14 **OS:** 13

3:58 PM

**OCT Macula: Findings OD:** Reliable. RPE changes. cnvm with fluid. Ex amd with active cnvm. stable post ivl x4. **Findings OS:** Reliable. RPE changes. cnvm with fluid. Ex amd with active cnvm. stable post ivl x4.

**Impression:**

**Primary:** Neovascular AMD with Active CNV OU.

**Secondary:** Epiretinal Membrane OS. Nuclear Sclerosis OU. Dry Eye Syndrome OU.

**Procedures:** Lucentis 0.5 mg OD. Lucentis 0.5 mg OS.

**Specialty Meds:**

- Artificial Tears 1 drop 4 times daily as needed Both Eyes
- AREDS 2 Formulation 1 tablet twice a day

**Follow Up:** Dr. Ellingson 4 Weeks - 3/3 Lucentis 0.5 mg OU at Premier Eye Care Idaho Falls.





**PREMIER EYE CARE**  
OF EASTERN IDAHO  
MEDICAL • SURGICAL



**Dr. Clint R. Ellingson**

**Clint Ellingson, MD**

attended the University of Utah and graduated with a degree in Biochemistry and then completed his medical degree at Penn State University. He then performed his medical internship year at Penn State Milton S. Hershey Medical Center. He completed his ophthalmology residency at the University of Kentucky. As a resident, he earned the Charles C. Barr Resident award and was the proud recipient of the Wirtschalter Teaching award by nomination from his co-residents. Dr. Ellingson completed his specialty training in a 2-year vitreoretinal fellowship at the University of Kentucky and Retina Associates of Kentucky. Dr. Ellingson is actively involved in research and has served as Principle Investigator for several clinical research trials and presented at the Association for in Vision and Ophthalmology (ARVO) annual meeting. He has also presented his research at the Kentucky Academy of Eye Physicians and Surgeons and at the University of Kentucky. Dr. Ellingson is Board Certified and specializes in treatment of diabetic retinopathy, macular degeneration, vascular occlusions, and uveitis conditions. His surgical interests include the repair of retinal detachments, removing persistent floaters, fixing macular holes and macular puckers and ocular trauma. Dr. Ellingson takes a particular interest in trauma and retinal detachments noting that each case is unique and he enjoys the challenge of planning the optimal strategy for a successful surgical outcome. Dr. Ellingson is married and has three children. He and his wife, Katie, are excited to be back West to be closer to family. Dr. Ellingson spent years at a large practice in Indiana where he performed over 1,000 retina surgeries and served the retina needs of a population of over 1 million people. Dr. Ellingson's outside interests include cycling, hunting, rebuilding engines, and keeping honey bees.



**PREMIER EYE CARE**  
OF EASTERN IDAHO  
MEDICAL • SURGICAL

**Clinton R. Ellingson, MD**  
2100 Providence Way • Idaho Falls, ID 83404  
Phone (208) 529-6600 • Fax (208) 529-6602

PATIENT'S FULL NAME *Dorothy McCreedy*

ADDRESS *155 E. 23rd St. Idaho Falls, ID 83404*

PHONE NUMBER *(208) - 521-2369*

AGE *F*

SEX *F*

DATE *08-03-2013*

*Please limit screen computer time to less than 3 hours/day as eye health from treatments. Please call with questions. Continue until next visit in 5 weeks*

REFILLS: 0 1 2 3 4 5 6

DEA# FE4006210

*Clint Ellingson*  
SIGN



**REHABAUTHORITY**  
physical therapy • back & neck specialists

**Tyler Skanchy**  
PT, DPT

Doctor of Physical Therapy

**Sunnyside Clinic**

3155 Channing Way  
Suite D  
Idaho Falls, ID 83401

T: (208) 552-2700

F: (208) 552-1533

tskanchy@rehabauthority.com  
www.rehabauthority.com

**Education**

Rocky Mountain University

Brigham Young University

**Member**

American Physical Therapy  
Association

Idaho Physical Therapy  
Association

I have been seeing Dorothy McCarty since August of 2022 for left hip muscular tear and right ankle fracture. I have seen her 3 times per week since this time and we are continuing this rehabilitative care currently.

Thank you,

Tyler Skanchy

**WE  
SOLVE** •  
Back & Neck  
PROBLEMS