

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ISLAND PARK)	
WATER COMPANY’S FAILURE TO)	CASE NO. ISL-W-23-01
COMPLY WITH IDAHO PUBLIC)	
UTILITIES COMMISSION REPORTING)	
AND FISCAL REQUIREMENTS)	ORDER NO. 35915
_____)	

This matter came before the Idaho Public Utilities Commission (“Commission”) on Staff’s request to investigate Island Park Water Company’s (“Island Park” or “Company”) alleged violations of the Idaho Public Utilities Law.

The Commission issued Order No. 35906 to stay proceedings in a separate case, Case No. ISL-W-23-02, following the Company’s stipulation for a receivership with the Idaho Department of Environmental Quality (“Stipulation”) in *Idaho Department of Environmental Quality v. Island Park Water Company, Inc., and Dorothy McCarty, Individually and in her Capacity as Owner of Island Park Water Company, Inc.*, Case No. CV10-23-3252, Seventh Judicial District of the State of Idaho, County of Bonneville.

Since the Company’s Stipulation with DEQ, Staff has received credible allegations from the Company’s customers that Island Park is still failing to comply with Commission authorities and Orders. First, the Company represented it would not accept email communications—potentially hampering efforts to discuss or resolve informal complaints.¹ Second, there was an allegation the Company was shutting off water service as a punitive measure until a receiver was in place. The Company later represented the water shut-off was necessary for a repair and indicated it restored water service. Third, Staff reviewed allegations that the Company is continuing to bill customers out-of-cycle and more than its approved tariff. The Company then denied Staff’s access to its QuickBooks accounting software without notice. While Staff has requested the Company restore its access, the timing of this coupled with the breakdown in email communication, the reported interruptions in service, and reports of out of cycle billing have contributed to customer complaints and Staff’s own concerns.

The Commission now issues this Order directing the Company to immediately restore Staff’s access to its QuickBooks, immediately cease and desist from billing practices that deviate

¹ The Company later clarified that it would accept email and updated its contact information with the Commission.

from the tariff and follow established procedures for notifying customers of necessary service interruptions.

COMMISSION DISCUSSION AND FINDINGS

Island Park operates a water system as a water corporation as defined by *Idaho Code* §§ 61-124 and 61-125 and is a public utility under *Idaho Code* § 61-129. The Company operates under Certificate of Public Convenience and Necessity No. 317. The Commission has jurisdiction over Island Park and the issues in this case under the Public Utilities Law, including *Idaho Code* § 61-501 vesting the Commission with the authority to supervise and regulate each public utility in Idaho, and *Idaho Code* § 61-701 *et seq.* guiding the Commission as to enforcement, penalties for violations, and interpretation of Public Utilities Law.

It is inexplicable that the Commission must yet again remind the Company that it cannot violate the Idaho Public Utilities Law and should remain engaged with addressing ongoing water quality, customer service, and billing issues that chronically exist. The Company's Stipulation regarding receivership is no excuse for such behavior. This is a water system in distress and in need of extensive—and expensive—repairs. Customers are rightly concerned about the Company's failure to engage in the informal complaint process, the breakdown in email communications, and not being advised about water outages for alleged repairs. At this point, the last thing Island Park's beleaguered customers need is to pay unauthorized fees and charges when they are without safe and reliable access to drinking water. We remind Ms. McCarty that the Company cannot charge customers fees and charges that are not in conformance with its Commission approved tariff and any attempt to charge unauthorized amounts may result in additional penalties being levied by this Commission.

We direct the Company to remain responsive to customers who have questions about the water system or about their pending informal complaints. Additionally, the Company must provide proper customer notification for necessary service interruptions. We also direct the Company to restore Staff's access to the Company's QuickBooks accounting software, immediately. The Company's cooperation during the pendency of the receivership is mandatory to assist with the transition as required by the Stipulation.

ORDER

IT IS HEREBY ORDERED that the Company must immediately cease and desist from any customer billing not in compliance with the Island Park's Commission approved tariff.

IT IS FURTHER ORDERED that the Company immediately restore Staff's access to its QuickBooks and any other accounting software the Company uses.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. See Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7th day of September 2023.



ERIC ANDERSON, PRESIDENT

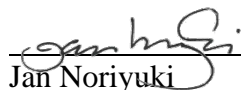


JOHN R. HAMMOND, JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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