

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ISLAND PARK)	CASE NO. ISL-W-23-02
WATER COMPANY’S FAILURE TO)	
COMPLY WITH IDAHO PUBLIC)	ORDER STAYING PROCEEDINGS
UTILITIES COMMISSION REPORTING)	
<u>AND FISCAL REQUIREMENTS</u>)	ORDER NO. 35906

This matter came before the Idaho Public Utilities Commission (“Commission”) on Commission Staff’s (“Staff”) request to investigate Island Park Water Company’s (“Island Park” or “Company”) alleged violations of the Idaho Public Utilities Law. The Company operates under Certificate of Public Convenience and Necessity (“CPCN”) No. 317. Island Park’s service area comprises seven separate water systems located in Fremont County, Idaho.

Staff’s June 6, 2023, Decision Memorandum proposed the Commission allow an investigation into allegations against the Company that arose after March 29, 2023.

At the Commission’s June 27, 2023, Decision Meeting, Staff presented a Decision Memorandum with Exhibits 1-27 attached along with the Affidavit of Jon Kruck which was supported by additional Exhibits 1-14. This filing depicted ongoing issues with water quality which violate the Commission’s requirement for regulated utilities to provide safe and reliable service.

During Staff’s investigation of Island Park in ISL-W-23-02, the Idaho Department of Environmental Quality (“DEQ”) initiated proceedings against the Company, asking that the court issue a preliminary injunction and a temporary restraining order. *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, District Court, Seventh Judicial District of the State of Idaho, County of Bonneville. The court granted DEQ’s temporary restraining order and scheduled a hearing for July 27, 2023. Prior to the July 27, 2023, hearing, DEQ and the Company signed a stipulation allowing DEQ to take over the water sampling and public notice requirements until the Company is put into a receivership.

Based on the anticipated receivership, Staff’s August 1, 2023, Decision Memorandum recommended the Commission stay proceedings pending additional clarity from the district court proceedings.

DISCUSSION AND FINDINGS

The Commission now issues this order staying proceedings in Case No. ISL-W-23-02. However, this stay is dependent on the Company working with the Commission and DEQ in Case No. CV10-23-3252 before the District Court in the Seventh Judicial District to address the ongoing water quality, customer service and billing issues that exist. Should the Company deviate from this effort the Commission maintains its authority to resume proceedings in this matter, consistent with its authority under the Idaho Public Utilities Laws. This Order does not impact or impair the Commission's decision in Case No. ISL-W-23-01, Order No. 35817.

ORDER

IT IS HEREBY ORDERED that proceedings in Case No. ISL-W-23-02 are stayed, pending further proceedings in Case No. CV10-23-3252 before the District Court of the Seventh Judicial District, State of Idaho.

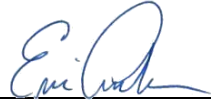
IT IS FURTHER ORDERED that the Commission may resume proceedings in this case, including the enforcement of penalties previously imposed in its discretion.

IT IS FURTHER ORDERED that Staff shall provide the Commission regular updates on the ongoing legal action in CV10-23-3252 and any other legal actions that may arise regarding Island Park Water Company during the stay of this case.

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.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th day of August 2023.



ERIC ANDERSON, PRESIDENT

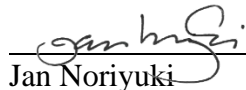


JOHN R. HAMMOND, JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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