

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: CLAIRE SHARP
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 1, 2023

SUBJECT: IN THE MATTER OF THE INVESTIGATION OF ISLAND PARK WATER COMPANY'S VIOLATIONS OF THE IDAHO PUBLIC UTILITIES LAW; CASE NO. ISL-W-23-02.

On June 1, 2023, Staff of the Idaho Public Utilities Commission (“Commission”) requested an investigation of Island Park Water Company (“Island Park” or “Company”) for violations of the Idaho Public Utilities Law, Title 61, Idaho Code. 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 subject to the jurisdiction of the Commission under *Idaho Code* § 61-129. The Company operates under Certificate of Public Convenience and Necessity No. 317. Island Park’s service area comprises seven separate water systems located in Fremont County, Idaho.

On June 27, 2023, Staff subsequently supplemented its request with Exhibits 1-27 and the Affidavit of Jon Kruck. Based on the evidence, Staff requested the Commission establish deadlines for Staff to file a Report on the violations of the Idaho Public Utilities Law and for the Company’s Reply. Following the Staff’s Report and the Company’s Reply, Staff then recommended the Commission consider whether a Show Cause Hearing is necessary.

The Department of Environmental Quality (DEQ) initiated proceedings against the Company, asking that the court issue a preliminary injunction and a temporary restraining order. CV10-23-3252. 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. This potential receivership is a significant development, and Staff now

recommends the Commission suspend proceedings in ISL-W-23-02 pending additional clarity in CV10-23-3252.

STAFF RECOMMENDATION

Staff recommends the Commission suspend proceedings in ISL-W-23-02.

COMMISSION DECISION

Does the Commission wish to suspend further proceedings in ISL-W-23-02?



Claire Sharp
Deputy Attorney General

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