

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF FARKO WATER) CASE NO. PTE-W-24-01
SYSTEM’S PROPOSED CANCELLATION)
OF PONDEROSA TERRACE ESTATES) NOTICE OF APPLICATION
WATER SYSTEM’S, CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) NOTICE OF INTERVENTION
NO. 393) DEADLINE
)
) ORDER NO. 36093

On January 18, 2024, Farko Water System, Inc. (“Farko” or “Company”) applied to cancel Ponderosa Terrace Estates Water System, Inc.’s (“PTE”) Certificate of Public Convenience and Necessity No. 393 (“CPCN”) which Farko claimed was sold to Farko¹ on October 1, 2016, (“Application”). The Application’s heading requested a transfer of PTE’s CPCN, however, the body of the Application requested that PTE’s CPCN be cancelled. Rather than ask the Commission to issue Farko a new CPCN (or transfer PTE’s CPCN to Farko), the Application requested that the Commission recognize Farko is operating the system as a not-for-profit organization and cancel CPCN No. 393. Supplemental information related to Farko’s request was attached to the Application.

With this Order, the Commission provides notice of the Application and sets a deadline for interested parties to intervene.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED the Application stated that Farko supplies water and operates a water system serves an area east of Sagle, Idaho.

YOU ARE FURTHER NOTIFIED that the Application alleged that Farko is a not-for-profit organization with an elected board and president.² The supplemental materials include several filings with the Idaho Secretary of state which the Company included to support its claim of not-for-profit status.

¹ While the Application indicated that the word “Company” is used in both PTE’s and Farko’s company names, according to the Idaho Secretary of State, both companies actually use the word “System” instead of “Company” in their respective titles.

² PDF pages 52-53 of the Application outlined Farko’s purported “By-Laws” and process for elections. Essentially, each system connection (for drinking water) would be a “Member” of the organization, and each Member would have one vote in electing the organization’s governing board. The “By-Laws” also outline the responsibilities of the other individuals who would be involved with the organization in maintaining the system.

YOU ARE FURTHER NOTIFIED that the Application and supplemental materials have been filed with the Commission and are available for public inspection during regular business hours at the Commission's office. These documents are also available on the Commission's website at www.puc.idaho.gov. Click on the "WATER" icon, select "Open Cases," and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over the filing and the issues pertaining to this case pursuant to Title 61 of the Idaho Code.

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 INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter to obtain parties' rights of participation must file a Petition to Intervene with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and .073. **Persons who wish to intervene as a party must file a Petition to Intervene no later than 21 days after the date of service of this Order.** Such persons shall also provide the Commission Secretary with their email address to facilitate further communications. After the intervention deadline runs, the Commission Secretary shall issue a Notice of Parties that identifies the parties and assigns exhibit numbers to each party. Once the Notice of Parties has issued, Commission Staff shall informally confer with the Company and any intervening parties about how to further process this case and shall then report back to the Commission on a proposed case schedule.

YOU ARE FURTHER NOTIFIED that persons who would like to present their views without parties' rights of participation and cross-examination do not have to intervene but may present their views by submitting written comments to the Commission.

YOU ARE FURTHER NOTIFIED that the following persons are designated as the Company's representatives in this matter:

Larry Fairfax
Farko Water System, Inc.
P.O. Box 826
468665 Hwy 95 N. Unit 738
Sagle, ID 83860
farkowater@gmail.com

ORDER

IT IS HEREBY ORDERED that persons desiring to intervene in this case to obtain parties' rights of participation must file a Petition to Intervene with the Commission, under Rules 71-73, IDAPA 31.01.01.071-073, no later than 21 days after the service date of this Order.

IT IS FURTHER ORDERED that, after the Notice of Parties has issued, Commission Staff shall confer with the parties regarding a procedural schedule for this matter including, if necessary, a hearing in this matter.

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 16th day of February 2024.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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