

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE FORMAL) CASE NO. ROC-W-21-01
COMPLAINT OF NICOLE BURBANK)
AGAINST THE ROCKY MOUNTAIN)
UTILITY COMPANY, INC.) ORDER NO. 35485
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On June 1, 2021, Nicole Burbank filed a formal complaint (“Complaint”) against the Rocky Mountain Utility Company, Inc. (“Company”). Ms. Burbank submitted supplementary information to the Idaho Public Utilities Commission (“Commission”) on July 28, 2021, and on August 17, 2021. Ms. Burbank had previously filed an informal complaint with Commission Staff (“Staff”) about the Company; however, Staff was unable to informally resolve the dispute between Ms. Burbank and the Company. On September 27, 2021, the Commission issued a Summons requiring the Company to answer the allegations in the Complaint and to address additional questions raised by the Commission in the Summons. The Company responded on November 1, 2021. Ms. Burbank filed a Declaration and Response to Respondent’s Answer on November 19, 2021. On November 30, 2021, Staff filed its comments.

On May 25, 2022, the Commission issued Final Order No. 35418, which provided:

IT IS HEREBY ORDERED that Ms. Burbank is not entitled to a refund of the \$150.00 hook-up fee to connect to the Company’s water system.

IT IS FURTHER ORDERED that the Company has billed the Commission approved rate of \$39.50 per month to Ms. Burbank for water service. As of October 2021, Ms. Burbank had a past due balance for water service of \$592.50, which may have grown if she has continued to not pay for water service from the Company.

IT IS FURTHER ORDERED that the Company shall bill its water services on a separate invoice from any other services the Company may provide. The Company must also revise its website’s information on hook-up fees to accurately reflect water and septic fees separately. The Company shall revise its disconnection notices so that they comply with the Commission’s UCCRs, specifically Rule 310, IDAPA 31.01.01.310. The Company shall work with Staff to ensure that its disconnection notices comply with the Commission’s authorities.

IT IS FURTHER ORDERED that the Company shall take daily water pressure readings from appropriate locations on the Company’s water system for 14 days, starting the day after the issuance of this Order. At the end of the 14-day water pressure testing period the Company shall submit a report to the Commission

containing the daily water pressure readings within 21 days of issuance of this Order.

Order No. 35418 at 10-11. Pursuant to *Idaho Code* § 61-626 and IDAPA 31.01.01.331, Ms. Burbank was given twenty-one (21) days following entry of the Final Order in which to petition for reconsideration.

On July 5, 2022, Ms. Burbank filed a pleading entitled “Reconsider Changing Order No. 35418” (“Petition for Reconsideration”). Having reviewed the record, the arguments of the parties, and all submitted materials, the Commission denies Ms. Burbank’s petition.

COMMISSION FINDINGS AND DECISION

The Commission finds that Ms. Burbank’s Petition for Reconsideration is both untimely and procedurally deficient.

1. Untimely

Pursuant to *Idaho Code* § 61-626, “after an order has been made by the commission, any corporation, public utility or person interested therein shall have the right, within twenty-one (21) days after the date of said order, to petition for reconsideration in respect to any matter determined therein.” Similarly, Commission Rule of Procedure 331.01 provides that “[w]ithin twenty-one (21) days after a final order’s service date, any person interested in the final order or any issue decided in may petition for reconsideration.” IDAPA 31.01.01.331.01.

In this case the Commission’s Final Order No. 35418 was issued on May 25, 2022; therefore, the final date to file a timely petition for reconsideration was June 16, 2022. Thus, Ms. Burbank’s Petition for Reconsideration, filed on July 7, 2022, is untimely and is denied.

2. Procedural Deficiency

The Petition for Reconsideration was not properly served on all parties. Pursuant to Rule 63, “All [petitions] . . . must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary.” IDAPA 31.01.01.063.01. Similarly, Rule 64 provides that “[e]very document that is filed with the Commission and intended to be part of the record for decision must be attached to or accompanied by proof of service . . .” IDAPA 31.01.01.064. Ms. Burbank failed to serve her Petition for Reconsideration on all parties or provide any proof of service of the same on the Company. Rule 65 provides that “[d]efective, insufficient or late pleadings may be returned or dismissed . . .” IDAPA 31.01.01.065. Based upon this lack of proper service, the Commission also denies the Petition for Reconsideration.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho within forty-two (42) days pursuant to the Public Utilities Law and the Idaho Appellate Rules. *Idaho Code* § 61-627; I.A.R. 14.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3rd day of August 2022.



ERIC ANDERSON, PRESIDENT

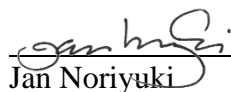


JOHN CHATBURN, COMMISSIONER

//ABSTAINED//

JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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