

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

INVESTIGATION INTO RIVERVINE) CASE NO. RWS-W-25-01
WATER & SEWER, LLC, OWNER OF A)
WATER SUPPLY AND DISTRIBUTION) ORDER NO. 36930
SYSTEM)
)

Rivervine Water & Sewer, LLC, (“Company”) is a private water utility located in Ada County, Idaho. The Company is not currently regulated by the Idaho Public Utilities Commission (“Commission”) and does not possess a Certificate of Public Convenience and Necessity (“CPCN”).

On August 1, 2025, the Commission directed Commission Staff (“Staff”) to investigate whether the Company is operating as a public utility and if any steps should be taken by the Company to comply with Idaho law. Order No. 36701. The Commission also directed the Company to respond to discovery questions and inquiries made by Staff and notified the Company that Staff would make a recommendation to the Commission regarding the Company’s status, the necessity of a CPCN, and any further recommendations regarding the adequacy of service and rate setting. *Id.*

On December 5, 2025, the Commission ordered the matter to be processed by Modified Procedure and established written comment deadlines. Order No. 36862. Staff filed comments. The Company did not file reply comments, and no public comments were received.

Having reviewed the record in this case, we now issue this Final Order finding that the Company is a public utility under the Commission’s regulatory jurisdiction, directing the issuance of the Company’s CPCN, instructing the Company to submit additional documentation as described below, and ordering the creation of a separate docket for Staff to evaluate the Company’s rates and water system.

STAFF COMMENTS

Following review of materials submitted by the Company and publicly available Company information, Staff believed the Company is a public utility, which is defined by *Idaho Code* § 61-129 to include a “water corporation.” Staff Comments at 2. Staff noted that a “water corporation” includes any corporation “owning, controlling, operating or managing any water system for compensation within this state.” *Id.* (quoting *Idaho Code* § 61-125).

Staff did not believe the Company qualified for any of the exceptions enumerated by *Idaho Code* § 61-104. *Id.* According to Staff, exceptions are made for utilities including municipal corporations, mutual nonprofits, cooperatives, or any other public utility that operates for service at cost and not for profit. *Id.* Staff stated that the Company was not on record as a non-profit organization; was not operating for service at cost; and was not a mutual nonprofit, municipal corporation, or a cooperative. *Id.* Based on its evaluation, Staff believed the Company was a corporation organized in the State of Idaho. *Id.* at 3. Additionally, Staff contended that customers did not own the Company’s water system and therefore had no input regarding the rates charged or the operations and capital expenditures. *Id.* Finally, Staff noted the Company was not a water district and was not owned or operated by one. *Id.*

As part of Staff’s evaluation, it reviewed prior Commission cases in which similarly situated water companies restructured to qualify for an exception and avoid regulation. *Id.* at 3. Staff noted that there was no indication in the record that the Company had made any such restructuring efforts. *Id.*

Staff reviewed the proposed legal description of the Company’s certificated area and the service area map. *Id.* at 4. Staff included the legal description and service area map as Attachments A and B to its comments. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter and the issues in this case under Title 61 of the *Idaho Code*. The Commission regulates “public utilities,” including “water corporations” that serve the public, or some portion thereof, for compensation. *Idaho Code* §§ 61-125, -129, and -501. The term “public utility” includes “water corporations.” *Idaho Code* § 61-129. A “water corporation” is “every corporation” that owns, controls, operates or manages a water system for compensation in Idaho. *Idaho Code* § 61-125. *Idaho Code* § 61-104 provides three exceptions to the Commission’s regulatory authority over “corporations.” The Commission does not regulate “mutual nonprofits,” “cooperative corporations,” or “any other public utility organized and operated for service at cost and not for profit.” *Idaho Code* § 61-104.

Having reviewed the record, all submitted materials, and all comments, we find that the Company is a corporation operating and managing a water system for compensation in Idaho and is, therefore, a public utility subject to Commission regulation under the *Idaho Code*.

1. CPCN

As a public utility, the Company must have a CPCN from the Commission. *See Idaho Code* § 61-526. We find it reasonable to issue the Company a CPCN. The Company's CPCN will have a certificated service territory including the legal descriptions provided in Attachment A to Staff's Comments and the service area map provided as Attachment B to Staff's Comments.

Moreover, as a regulated utility, the Company is required to adopt the Commission's Utility Customer Relations Rules ("UCRR") (IDAPA 31.21.01 *et seq.*) and Utility Customer Information Rules (IDAPA 31.21.02 *et seq.*). We direct the Company to work directly with Staff as needed to adopt the previously stated rules following issuance of this Order.

2. Tariff and Other Documents

As a regulated entity, the Company must also submit certain documentation required under the UCRRs for Commission review and approval, including a tariff, a notice to customers regarding regulation, a billing statement, an initial disconnection notice, a final disconnection notice, a notice of procedure for reconnection, and a summary of rules. We direct the Company to work directly with Staff as necessary prepare the required documentation following issuance of this Order. The Company shall submit these required documents as a compliance filing in this case within 45 days of the service date of this Order.

3. Rates and Charges

We direct the Company to maintain its current rates. Staff shall open a separate docket to evaluate whether the Company's rates are fair, just, and reasonable, and to perform a reliability analysis of its water system.

ORDER

IT IS HEREBY ORDERED that the Company is a public utility and shall be granted a CPCN consistent with this Order.

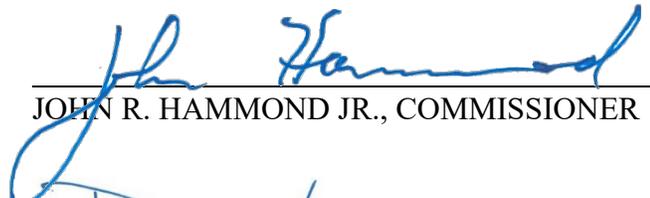
IT IS FURTHER ORDERED that the Company shall submit a compliance filing within 45 days of the service date of this Order providing: (1) tariffs; (2) a notice to customers regarding regulation; (3) a billing statement; (4) an initial disconnection notice; (5) a final disconnection notice; (6) a notice of procedure for reconnection; and (7) a summary of rules.

IT IS FURTHER ORDERED that the Company shall maintain its current rates, and Staff shall open a separate docket to evaluate whether the Company's rates are fair, just, and reasonable, and to perform a reliability analysis of its water system.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within 21 days of the service date of this Order. Within 7 days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of February 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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