

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF SUNBEAM WATER ) CASE NO. SNB-W-22-01**  
**COMPANY’S FAILURE TO COMPLY )**  
**WITH IDAHO PUBLIC UTILITIES )**  
**COMMISSION REPORTING AND FISCAL ) ORDER NO. 35749**  
**REQUIREMENTS )**  
**)**

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This matter came before the Idaho Public Utilities Commission (“Commission”) on the Commission Staff’s (“Staff”) request to order Sunbeam Water (“Sunbeam” or “Company”) to appear and show cause why the Commission should not impose penalties for the Company’s continued, willful violations of its requirements under state law and the Commission’s rules.

On February 16, 2023, after failing to appear at the show cause hearing scheduled for January 5, 2023, the Commission issued Order No. 35680 imposing penalties and ordering the Company to submit its annual reports, pay its assessment fees, and coordinate with Staff concerning the Company’s audit and on-site visit. Order No. 35680 gave the Company (1) 21 days to petition for reconsideration per *Idaho Code* § 61-626; (2) 30 days to submit its annual reports and pay its associated assessment fees;<sup>1</sup> and (3) 45 days to pay its penalties. The Company has not yet paid its assessment fees. Nor has the Company communicated with Staff regarding other matters as directed in Order No. 35680.

On March 28, 2023, the Company filed a Motion to Reconsider Penalties (“Petition”).

This Commission now issues this Order dismissing the Company’s Petition, as discussed in detail below.

**PETITION FOR RECONSIDERATION**

The Company’s Petition stated the following:

. . . [The Company] hereby moves this Commission to Reconsider the Commission’s decision entered in this matter on 16th day of FEBRUARY, 2023, imposing penalties for failure to submit reports and failure to appear. Respondent has complied with the filing requests of the Commission and does not have the financial ability to pay said fines.

Petition at 1.

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<sup>1</sup>The Company filed its 2017 through 2021 annual GIOR statements on January 4, 2023. The 2022 GIOR is due April 15, 2023. The Company filed its 2017 through 2022 annual reports on March 17, 2023.

## LEGAL STANDARDS

Reconsideration affords parties an opportunity to bring to the Commission's attention any matter previously determined and provides the Commission opportunity to rectify any mistake before the matter is appealed to the Supreme Court. *Washington Water Power Co. v. Idaho Public Utilities Comm'n*, 1980, 101 Idaho 567, 617 P.2d 1242. Any person or public utility has the right to petition for reconsideration in respect to any matter determined in a Commission order. *Idaho Code* § 61-626(1). The petitioner has 21 days from the date of the final Order in which to ask for reconsideration. *Id.* "Within twenty-eight (28) days after the filing of a petition for reconsideration the commission shall determine whether or not it will grant such reconsideration, and make and enter its order accordingly." *Idaho Code* § 61-626(2). "If after reconsideration, including consideration of matters arising since the making of the order, the commission shall be of the opinion that the original order or any part thereof is in any respect unjust or unwarranted or should be changed, the commission may abrogate or change the same." *Idaho Code* § 61-626(3).

Commission Rule of Procedure 332 provides that the "Commission may grant reconsideration upon petition of any interested person or upon its own motion." IDAPA 31.01.01.332. "Petitions for reconsideration must specify (a) why the order or any issue decided in it is unreasonable, unlawful, erroneous or not in conformity with the law, and (b) the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted." IDAPA 31.01.01.331.01. "Grounds for, or issues on reconsideration not supported by specific explanation may be dismissed." IDAPA 31.01.01.332.

## COMMISSION FINDINGS AND DECISION

The Commission dismisses the Petition on its merits. The Commission finds that the Petition does not meet the substantive requirements for reconsideration. Rule 331 states: "Petitions for reconsideration must specify (a) why the order or any issue decided in it is unreasonable, unlawful, erroneous or not in conformity with the law, and (b) *the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.*" IDAPA 31.01.01.331.01 (emphasis added). Further, "the petition . . . must state whether the petitioner . . . requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories." IDAPA 31.01.01.331.03.

The Petition did not explicitly state why the penalties imposed in Order No. 35680 were "unreasonable, unlawful, erroneous or not in conformity with the law" as required by IDAPA

31.01.01.331.01. The Company stated it did not have the ability to pay the penalties imposed, but the Company did not provide a clear line of reasoning showing how the penalties were “unreasonable, unlawful, erroneous or not in conformity with the law.” *Id.* Additionally, because the Company did not provide any rationale or information concerning the “nature and quantity of the evidence” to support its argument, the Petition fails to meet both material elements necessary for relief. *Id.*

Finally, the Company failed to fully comply with all of the requirements of Order No. 35680. The Company stated it had “complied with the filing,” but it has not. Petition at 1. The Commission ordered that the Company submit its annual reports, pay its assessment fees in full, and coordinate with Staff concerning the audit of the Company and on-site visit. The Company filed its annual reports. However, the Company did not put forth any effort in remitting its assessment fees. Similarly, the Company did not respond to Staff in a timely fashion to coordinate an audit, an on-site visit, and public workshop. We expect the Company to complete the remaining requirements, including working with Staff to schedule an on-site audit and public workshop.

Accordingly, the Petition is dismissed, and the Company is directed to comply with the requirements set forth in Order No. 35608.

### **ORDER**

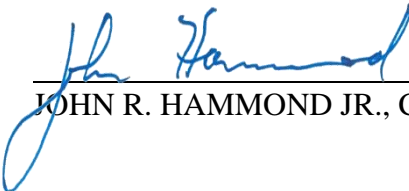
IT IS HEREBY ORDERED that the Petition for Reconsideration is dismissed.

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.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 18th day of April 2023.

  
ERIC ANDERSON, PRESIDENT

  
JOHN R. HAMMOND JR., COMMISSIONER

  
EDWARD LODGE, COMMISSIONER

ATTEST:

  
Jan Noriyuki  
Commission Secretary

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