

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

INVESTIGATION INTO SYRINGA)	CASE NO. SWI-W-24-02
WATER INC.'S RATES AND CHARGES)	
FOR WATER SERVICE)	ORDER NO. 36883
)	
)	

On September 6, 2024, the Idaho Public Utilities Commission (“Commission”) issued Order No. 36317, directing Commission Staff (“Staff”) to investigate the service rates of Syringa Water Inc. (“Company”) and recommend further action, if necessary. Since that time, Staff has propounded production requests upon the Company and conducted an on-site evaluation of the Company’s current rates and reviewed its rate structure, billing statements, operating expenses, lease agreements, and infrastructure investment.

On December 30, 2024, the Commission issued a Notice of Public Workshop, scheduling an in-person public workshop in Coeur d’Alene, Idaho, on January 25, 2025.

On July 2, 2025, the Commission issued a Notice of Modified Procedure, establishing a public comment deadline and a Company reply deadline. Order No. 36664. Staff and nine of the Company’s customers filed comments. The Company did not reply.

On November 14, 2025, the Commission issued Order No. 36846, finding that the Company’s current rates, together with a few newly authorized non-recurring charges, generate sufficient revenue for the Company to cover expenses and provide a reasonable opportunity for a fair return on its capital investments. Additionally, the Commission directed the Company to submit an updated tariff reflecting certain non-recurring charges omitted from the Company’s tariff.

PETITION FOR RECONSIDERATION

On December 5, 2025, Robert Ferrell, a customer of the Company, sent an email to the Commission Secretary in reference to this case (“Petition”).¹ Although the subject line of the email stated “Final Order 36846 Comments,” the body of the email claimed that it was a petition for reconsideration.

¹ A copy of that document is attached to this Order as Exhibit A.

Mr. Ferrell raised two issues in his Petition. First, he claimed that the Company had failed to correct billing errors that allegedly occurred throughout all of 2024, as it allegedly had agreed to do. According to Mr. Ferrell, the Company overbilled him \$395.80 during 2024, including some months prior to the Company formally coming under Commission jurisdiction. Although Staff noted in its comments that the Company had agreed to correct its billing for all of 2024, Mr. Ferrell alleges that the Company has not reimbursed him this alleged overbilled amount.

Second, Mr. Ferrell faults Order No. 36846 for failing to address alleged inadequacies in the fire flow protection the Company provides. The Commission noted fire flow deficiencies in the Company's water system upon formally recognizing it as a public utility, directing it to take steps to mitigate the issue. *See* Order No. 36290 at 4. Mr. Ferrell alleges that the Company has not kept customers updated regarding steps taken to address deficiencies in fire flow protection. Because Order No. 36846 mentions public comments alleging continued issues with fire flow, Mr. Ferrell reasoned that he can seek redress of alleged fire flow issues identified in a prior order (*e.g.*, Order No. 36290) issued in a separate case (Case No. SWI-W-24-01) that has become final. Mr. Ferrell requests that Staff initiate a proactive plan to monitor and publicly report progress related to fire flow improvements.

COMMISSION FINDINGS AND DECISION

Under *Idaho Code* § 61-626, the Commission may abrogate or change one of its orders that it determines after reconsideration is unjust, unwarranted, or should be changed. This permits the Commission to correct any errors in the original order before appellate review. *See Washington Water Power Co. v. Kootenai Env't All.*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). Although the Letter is not expressly styled as a petition seeking reconsideration under *Idaho Code* § 61-626, we find it reasonable to deem the Letter to be a petition for reconsideration and analyze it according to the standards applicable to such petitions.

The Commission finds that the Letter does not meet the substantive requirements for a petition for reconsideration. Rule 331 provides:

Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is *unreasonable, unlawful, erroneous or not in conformity with the law*, and a statement of 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.

In this case, Mr. Ferrell has failed to articulate how any issue decided in Order No. 36846 is unreasonable, unlawful, erroneous or not in conformity with the law. Indeed, the two issues Mr. Ferrell raises in his email were not decided in Order No. 36846. Although the summary of Staff’s comments in Order No. 36846 mentioned the Company’s alleged agreement to correct billing errors for all of 2024, the Commission did not order the Company to refund any amounts to customers. Rather, the Commission only cautioned the Company to comply “with the Commission’s Utility Customer Relations Rules (*see, e.g.,* IDAPA 31.21.01.203) as it corrects billing errors that occurred after coming under Commission regulation.” Order No. 36846. Similarly, despite mentioning public comments raising issues associated with inadequate fire protection in passing, Order No. 36846 did not direct the Company to take any action related to fire flow protection.

The absence of any decisions related to refunds or fire flow protection in Order No. 36846 is unsurprising. This proceeding was initiated to investigate whether the rates the Company was charging for water service are fair, just, and reasonable. Staff conducted that investigation and determined that the Company’s current rates are sufficient to cover the Company’s expenses and provide a reasonable return on capital investments in the water system. Despite passing mention of other matters that arose during this investigation, the Commission’s decisions and directives in Order No. 36846 focused on the issue of rates without addressing the matters raised in Mr. Ferrell’s email. Accordingly, Mr. Ferrell’s Petition must be denied.

Although Mr. Ferrell’s Petition is denied, the allegations it raises are nonetheless concerning. Accordingly, we find it reasonable to direct Staff and the Company to undertake the following additional actions. With respect to Mr. Ferrell’s allegations of overbilling, Staff is directed to conduct an informal investigation to determine whether the Company has corrected any overbilling that may have occurred since it came under Commission jurisdiction on August 14, 2024. If Staff determines that further Commission action is warranted, it should seek to open a separate docket to address the matter. In addition, the Company is directed to submit a report detailing the steps it has taken to remedy fire flow deficiencies in its water system since the issuance of Order No. 36290 on August 14, 2024, in Case No. SWI-W-24-01, and in this case.

ORDER

IT IS HEREBY ORDERED that Mr. Ferrell's Petition for Reconsideration is denied.

IT IS FURTHER ORDERED that Staff shall informally investigate Mr. Ferrell's allegations of overbilling to determine whether the Company has corrected any overbilling that may have occurred since it came under Commission jurisdiction.

IT IS FURTHER ORDERED that the Company shall submit a report detailing the steps it has taken to remedy fire flow deficiencies in its water system since the issuance of Order No. 36290 on August 14, 2024, in Case No. SWI-W-24-01, and in this case.

THIS IS A FINAL ORDER. 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 under the Public Utilities Law and the Idaho Appellate Rules.

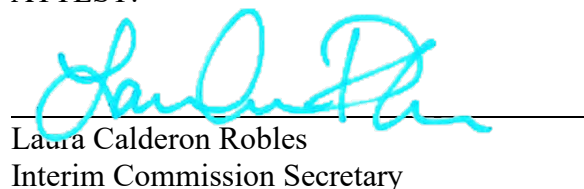
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23rd day of December 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Laura Calderon Robles
Interim Commission Secretary

I:\Legal\WATER\SWI-W-24-02_Invest\orders\SWIW2402_recon_at.docx

From: rdoublef@aol.com
To: [secretary](#)
Subject: Final Order 36846 Comments
Date: Friday, December 5, 2025 3:38:34 PM

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

PUC Commission Secretary

05 Dec 2025

Submitted by Robert Ferrell
E-mail rdoublef@aol.com
(512) 751-1868
1913 S. Scharelant Ln
Coeur d' Alene, ID 83814

Name of Utility: Syringa Water Co.

Case No. SWI-W-24-02

I, Robert Ferrell, submit the following comments concerning the above referenced Final Order 36846:

Case # SWI-W-24-02

This complaint is filed as a result of FINAL ORDER No. 36846 issued by the Commission on 11/14/2025. The nature of this complaint is twofold: (1) that I, and possibly many other customers, have not received a corrected billing or proper credit for 2024 and (2) PUC has not taken appropriate action to address the issue of inadequate fire protection that has been raised continuously by numerous customers for the past two years. Therefore, this case should remain open for item #1 and a new case opened if necessary for item # 2. The basis of my complaint is as follows:

ITEM 1

On 07/01/2025 STAFF COMMENTS were issued by PUC after a yearlong investigation of numerous issues, including the rates charged, and more specifically, how those rates were applied to the usage of each customer. On page 5 of the Staff Comments it states

“During the audit, Staff found that the Company did not consistently apply its tiered rates. In some cases, customers with usage in multiple tiers were charged the highest tier rate for all consumption rather than the correct rate per tier. This error resulted in customer overcharges. Upon notification, the Company agreed to correct the billing

Exhibit A
SWI-W-24-02
Order No. 36883

for all of 2024 (emphasis added) and apply appropriate credits to customer accounts in October 2024.”

In October 2024 my invoice was for \$73.44 but the line items for tier charges added up to \$131.44, a difference of \$58.00, with no explanation of why nor any statement about a credit due. It appeared to simply be an addition error which is common with SWC. Keep in mind that the customers did not have knowledge of any corrected billing requirement or credit due until 07/01/2025. Upon seeing the 07/01/2025 Staff Comments I took the effort to prepare a spread sheet (my exhibit “A” dated 7/10/2025 as an attachment to my public comment dated 7/13/2025 and submitted to both PUC and SWC on 7/14/2025) to tabulate, month by month, the actual amount billed by and paid to SWC vs the proper calculations for a corrected billing as identified by PUC Staff ***for all of 2024*** (emphasis added). The result was a total credit of \$395.80. I have never received this credit. I suspect there are numerous other customers with usage in multiple tiers have also never received a proper credit.

After receiving no reply from PUC Staff after my 07/14/2025 Public Comment, I tried to call our point of contact at Staff on 10/23/2025 in which I was sent to voice mail, so I left a message but have never received a return phone call from Staff. This is not serving the public very well. Simultaneously in September and October 2025 there were several emails back & forth between myself and Jennifer at SWC in which she denied that I was due any credit and referred to June and July 2024 emails that she believed settled all matters. Jennifer also challenged that the PUC Staff Comment required a credit for all of 2024, by stating in her email dated Oct 15, 2025

“The statement made wasn’t a statement of affirmative that the water company would but part of a bigger conversation of what IPUC required us to do. In the end IPUC stated, according to their requirements, we only needed to adjust billings as of the date of their regulated approval, which we have already done, and explained in the chain of emails I had forwarded to you recently.”

This raises many questions. What “date of regulated approval” is Jennifer referring to? Does that mean that SWC is no longer agreeing to credits ***for all of 2024*** (emphasis added), and if so, why has PUC failed to publish and/or clarify this? Do the words “the Company agreed to correct the billing for all of 2024” have no meaning? Did PUC Staff change their position on the 2024 correction of billings without making it a part of the public record, if so, how can that be? Is PUC Staff telling SWC one thing and the public another? If that is the case then PUC has created an atmosphere of distrust and hard feelings between SWC and myself/the public that should never have come about. In FINAL ORDER No. 36846 dated 11/14/2025, paragraph **IV. Revenues**, (page 3 and 4) the Commission repeated almost verbatim the language previously quoted in the PUC STAFF COMMENTS concerning the 2024 billings and stated in part

“the Company agreed to correct all 2024 billing errors and issue account credits in October 2024”.

This would indicate that PUC has not changed its position. If this statement is no longer applicable then why is it in the FINAL ORDER No. 36846 dated 11/14/2025.

Either SWC or I just don't understand what is required and PUC Staff has done nothing to straighten this mess out. I, and many other customers that I have talked to, have never received a corrected billing or credit **for all of 2024** (emphasis added) and PUC Staff has accepted SWC at their word for having done so with no documentation, tabulations or explanations ever provided to the public to prove up that position. As a rebuttal to SWC saying they have issued corrective billings and credits, I for one can say, no they have NOT if you follow the words as stated in STAFF COMMENTS dated 07/01/2025 and FINAL ORDER No. 36846 dated 11/14/2025. As I have requested in several emails; "review my tabulation for all of 2024 (exhibit "A") and show me where you disagree or think I'm in error. PUC hasn't done that. SWC hasn't done that. Prove me wrong and this issue goes away.

On November 2, 2025 Jennifer at SWC emailed me saying she was going to do an end of the year review for 2024 and 2025, in which I replied I thought that was a good idea and I requested once again that SWC review my tabulation for 2024 (exhibit "A"). Copies of these emails between SWC and myself since 7/14/2025 were furnished to PUC Staff, yet they have never replied to help settle this dispute. Once again not serving the public well. Once Jennifer completes her review in January 2026 hopefully her figures will correspond with my exhibit "A" and resolve this issue to the satisfaction of both parties. However, because that is no guarantee I am compelled to file this petition for reconsideration within 21 days of 11/14/2025 in order to protect my interest. I cannot speak for the other 77 customers but it seems reasonable that PUC should have the obligation to review and confirm the accuracy of SWC corrected billings to ensure fairness to the public as a whole. To rely on SWC's word of saying "they took care of it" has proven in the past to not be totally effective.

ITEM 2

On page 8 of FINAL ORDER No. 36846 the Commission acknowledges in the first paragraph they have received nine official public comments from customers raising issues, including but not limited to **inadequate fire protection** (emphasis added). This has been an issue of great concern since day one when both customers and two HOA's reached out to PUC for help. However, the Commission findings, decisions and orders on page 8 and 9 are totally silent and do not address the issue of inadequate fire protection (emphasis added). The issue in item #1 **for credits** pales in comparison to the seriousness of item #2 for **inadequate fire protection**. How can the Commission totally ignore the **inadequate fire protection** problem and not order some type of corrective action and direct Staff to monitor progress on a semi-annual basis and publish those findings in the public record? In Case No. SWI-W-24-01 on page 5 of FINAL ORDER No. 36290 on 8/14/2024 the Commission ordered

"that the Company shall take appropriate steps to mitigate the fire flow, transfer pump and flow meter deficiencies discussed above and notify Staff once each issue is resolved".

That order is the equivalent to telling the Fox to quit eating the chickens and let us

know when you do stop. The public deserves to be better informed. Customers have heard rumors that the transfer pump situation has been rectified but nothing has ever been published in the public record to keep the customers informed as to progress overall, and in particular to fire flow. Communication is the key to eliminate distrust and to alleviate the fears of the public. Logic would dictate that the fact that FINAL ORDER No. 36846 acknowledges there is still an **inadequate fire protection** problem as of 11/14/2025 requires a more proactive plan of action by Staff to monitor and publicly report progress concerning fire protection. The excuse that nothing more is to be done by PUC because FINAL ORDER No. 36290 is closed doesn't stand the test of scrutiny in light of the fact that the Commission acknowledged the issue still exists in FINAL ORDER No. 36846 dated 11/14/2025.

In the simplest of terms the PUC needs to stay on top of the **inadequate fire protection** problem until completion of corrective actions and keep the public informed. Heaven forbids there ever be a catastrophic fire in our subdivision, but if there is, the PUC and the State of Idaho will have some serious explaining to do if they ignore my concerns and those of the customer base as a whole.

There is a private agreement between SWC and Bennett Bay Apartments LLC for SWC to provide 10 additional hookups for water and in turn Bennett Bay will provide funding for the expansion of the existing water storage tank plus a new additional tank to bring the system up to the required standards. This would resolve the concerns of customers on the system that have existed for almost 20 years. However, because this is a private agreement the customers/public have no way to monitor progress, changes or any other details that effect if and when we will ever get adequate fire protection. No one wishes to interfere with the private dealings of these two companies but we deserve to know what progress is being made as it effects our life and property. PUC is our only hope and avenue for information.

Please protect the public interest by following up and taking action on the two items of concern as described above.