

Randolph Lee Garrison
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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF CDS |) | Case No: SWS-W-24-01 |
| STONERIDGE UTILITIES, LLC'S |) | |
| APPLICATION FOR AUTHORITY |) | INTERVENOR GARRISON'S MOTION |
| TO INCREASE ITS RATES AND |) | TO DISMISS APPLICATION |
| CHARGES FOR WATER SERVICE |) | |
| IN THE STATE OF IDAHO |) | |
| |) | |

MOTION TO DISMISS: Pursuant to the authority cited below, Intervenor, Randolph Lee Garrison, a party, hereby to moves to Dismiss the above entitled preceding and dismiss Applicants Application, filed 28 February 2024.

(1) ***Applicant must have an Attorney: Indian Springs vs Indian Springs***, 147 Idaho 737, 215 P2d 457, at 464/465 (2009):

“ . . . this Court has previously held that a pro se appellant may not represent a business entity.

The issue was first raised in *White v. Idaho Forest Indus.*, 98 Idaho 784, 572 P.2d 887 (1977). . . .

The Court noted it was irrelevant that the practice was before an administrative body instead of a judicial body because the rules against the unauthorized practice of law apply equally to both In sum, the law in Idaho is that a business entity, such as a corporation, limited liability company, or partnership, must be represented by a licensed attorney before an administrative body or a judicial body.”

See also *Citibank (S. Dakota), N.A. v. Carroll*, 148 Idaho 254, 260, 220 P.3d 1073, 1079 (2009) (noting a person’s right to represent himself does not extend to the representation of other persons or entities). IDAPA 31.01.01.43 also requires Applicant to be represented by Counsel.

Applicant’s Application was filed on 28 February. Since filing, Applicant has been encouraged, cajoled, and demanded to have an attorney’s representation. Applicant has failed to do so.

Intervenors are prejudiced by Applicant failure to have attorney representation. Intervenor SPOA and Intervenor SRCCOA are both separately represented by

Counsel licensed in Idaho. Intervenor Garrison is a Retired member of the Oregon State Bar. The Idaho Rules of Professional Conduct 5.5 (c) provides:

“(c) A lawyer shall not assist another person in the unauthorized practice of law.

The Oregon Rules of Professional Conduct contain a similar provision in Rule 5.5 (a).

Intervenors are prejudiced by Applicants conduct, because to participate in this matter causes them to “assist another person in the unauthorized practice of law”, in violation of the Rules of Professional Conduct.

(2) ***Applicant has not provided Discovery:*** With the exception of limited Quick Book documents filed by the Applicant in this preceding on 8 March 2024, Intervenors have received no discovery from Applicant. See also e-mail 12 June 2024 from Intervenor Garrison, attached as a separate document in support of this Motion. This has resulted in prejudice to the Intervenors, because:

(a) Intervenors desire to hire experts, but have no documents for the anticipated experts to examine and evaluate.

- (b) This preceding was filed on 28 February 2024 and is 3 ½ months old.
"Section 61-622 generally requires that a rate case be completed within six (6) months of the date it is filed."

Case Processing Guidelines, page 16. We are ½ way into the deadline for the preceding to be completed and have made no effective progress.

CONCLUSION: Applicant has caused considerable delay in the effective prosecution of these preceding. This preceding should not have been filed, as applicant was not prepared to effectively prosecute the request. Intervenors object to these proceedings simply being "suspended". There is insufficient time to mount a defense to Applicant's rate increase request on account of Applicant's delay. These proceedings should be dismissed and Applicant start over.

MEET AND CONFER: Although not required, Intervenor has in good faith conferred or attempted to confer with Applicant in an effort to resolve these issues. Intervenor has requested discovery from Applicant. Intervenor has a motion to compel discovery pending before the IPUC. Prior to filing to filing this motion, Applicant was asked to

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voluntarily withdraw his application and start over. Applicant refused.

DATED and Signed this 13th day of June, 2024.

Randy Garrison

Randolph Lee Garrison

(541) 580-4446

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of June, 2024, I served a true and correct copy of the foregoing upon each party in this matter by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

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| Michael Duval Deputy Attorney General IDAHO PUBLIC UTILITIES COMMISSION P.O. Box 83720 Boise, ID 83720-0074 | By e-mail michael.duval@puc.idaho.gov |
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| <p>CDS STONERIDGE UTILITIES, LLC P.O. Box 298 Blanchard, ID 83804</p> | <p>By e-mail chansan@comcast.net utilities@stoneridgeidaho.com</p> |
| <p>Norman M. Semanko, ISB #4761 Patrick M. Ngalamulume, ISB #11200 PARSONS BEHLE & LATIMER 800 W. Main Street, Suite 1300 Boise, Idaho 83702</p> | <p>By e-mail nsemanko@parsonsbehle.com pngalamulume@parsonsbehle.com</p> |
| <p>Rick Haruthunian CONDOMINIUM OWNERS ASSOC. INC: Ramsden, Marfice, Ealy & De Smet, LLP (Exhibit Nos. 201-300) 700 Northwest Blvd. P.O. Box 1336 Coeur d'Alene, ID 83816-1336</p> | <p>By e-mail: rhathunian@rmedlaw.com</p> |
| | |

DATED this 13th day of June 2024.



Randolph Lee Garrison