

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF TETON WATER &) CASE NO. TTS-W-22-01
SEWER COMPANY’S APPLICATION FOR)
RESERVE FUND DISTRIBUTION) ORDER NO. 35427
)

On January 3, 2022, Teton Water & Sewer Company (“Company”) applied to the Commission requesting approval to use its 2022 emergency reserve fund for distribution for three 2021 repair projects. Application at 1. The Company stated that the total cost of these projects exceeded the available funds in the Company’s 2021 emergency reserve fund account. *Id.*

On February 2, 2022, the Commission issued a Notice of Application and Notice of Modified Procedure setting comment deadlines. Order No. 35306.

On April 22, 2022, the Commission approved the Company’s request to use the balance of its emergency reserve fund account to pay for repairs. Order No. 35382 at 2. The Commission further ordered the Company to recover the costs of expenses not covered by its emergency reserve fund in “the Company’s 2022 general rate case (Case No TTS-W-22-02).” *Id.*

On May 5, 2022, the Company filed a Motion for Revised Order (“Motion”) asking the Commission to revise the language in Order No. 35382 that directed it to recover additional expenses not covered by its emergency reserve fund through the 2022 general rate case (Case No. TTS-W-22-02). The Company explained that it had withdrawn Case No. TTS-W-22-02 and therefore requested the language in Order No. 35382 directing the Company to recover its expenses in a 2022 rate case be removed.

With this order, we grant the Company’s Motion.

BACKGROUND

In 2009, the Commission authorized and established the Company’s emergency reserve fund. Order No. 30718 at 12. The Company completed three projects in 2021 and sought Commission approval to pay for these projects using the emergency reserve fund. The cost of the three projects exceeded the balance of the emergency reserve fund. Because the Company filed its general rate case (TTS-W-22-02) while this case (TTS-W-22-01) was still pending, Commission

Staff recommended in its comments in this case that recovery for expenses not covered by the reserve fund should be addressed in Case No. TTS-W-22-02.¹

In Order No. 35382, the Commission found the incurred costs prudent. The Commission specifically ordered the Company to recover “expenses not covered by its [emergency reserve fund] through the Company’s 2022 general rate case (Case No. TTS-W-22-02).” Order No. 35382 at 2.

COMMISSION DECISION AND FINDINGS

The Commission has jurisdiction over this matter and the issues in this case under Title 61 of the Idaho Code. Specifically, the Commission regulates “public utilities,” including “water corporations” that serve the public or some portion thereof for compensation. *See Idaho Code* §§ 61-125, -129, and -501.

Rule 326, IDAPA 31.01.01.326b, provides that any:

person may petition to rescind, alter or amend a final order under Section 61-624, Idaho Code. The petition to rescind, petition to alter, or petition to amend must state: . . . Circumstances have changed, or new information has become available since the order was issued, or other good and sufficient reasons exist to rescind, alter, or amend the order.

The 2022 rate case has been withdrawn. Therefore, the mechanism for recovering what were determined by the Commission to be prudently incurred expenses has been eliminated. As such, we find that circumstances have changed and there is a good and sufficient reason under Rule 326 to alter Order No. 35832 to allow the Company to recover its expenses not covered by its emergency reserve fund through its next general rate case.

We further find that no one would be harmed by altering Order No. 35382 consistent with the Company’s Motion.


ORDER

IT IS HEREBY ORDERED that the Company’s Motion to revise Order No. 35832 in Case No. TTS-W-22-02 is hereby granted. The language in Order No. 35832 is altered by this Order to allow the Company to recover its emergency reserve fund expenses in its next general rate case, whenever that may occur.

¹ The total cost for the three repair projects was \$35,494.85 and the Company had \$12,106.55 in its emergency reserve fund account.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (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 13th day of June 2022.



ERIC ANDERSON, PRESIDENT

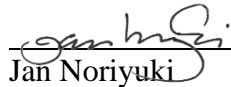


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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