

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF VEOLIA WATER)	CASE NO. VEO-W-23-04
IDAHO, INC.’S APPLICATION FOR)	
APPROVAL OF FIRE HYDRANT)	CLARIFICATION OF
CONVEYANCE, INSTALLATION, AND)	ORDER NO. 36122
OPERATION AGREEMENT)	
)	

On October 20, 2023, Veolia Water Idaho, Inc. (“Company”) applied for Commission approval of a Fire Hydrant Conveyance, Installation, and Operation Agreement between the Company and Whitney Fire Protection District (“District”) (collectively, “Parties”). The Company requested that the Commission process its Application through modified procedure.

The Commission issued a Final Order on March 28, 2024, approving the Company’s Application. Order No. 36122.

On April 18, 2024, the Company filed a Petition for Revision/Reconsideration (“Petition”) seeking modification or revision of certain language in Order No. 36122.

The Commission now issues this Order clarifying the language of Order No. 36122.

THE PETITION

The Company identified language in Order No. 36122 that it asserts does not accurately describe the Fire Hydrant Conveyance, Installation, and Operation Agreement (“Agreement”) between the Company and the District. The Company represented that although it does not believe that the inaccurate description of the Agreement impacts the “substance” of Order No. 36122 the Company requested “that the Order be revised to ensure that there is no misunderstanding between the parties or other stakeholders.” *Petition* at 2. Specifically, the Commission’s usage of the word “replace” and its derivatives when referring to the Company’s treatment and/or eventual ownership of the fire hydrants in question. The Company’s Petition sought the use of more accurate language to reflect the terms of the Agreement that was the basis of its request in Case No. VEO-W-23-04. The Company’s Petition proposed its own clarifying language to update Order No. 36122.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-501, -502, and -503. *Idaho Code* § 61-501 authorizes the Commission to “supervise and regulate every public utility in the state and to do all things necessary to carry out the spirit and intent of the [Public Utilities Law].” *Idaho Code* §§ 61-502 and -503 empower the Commission to investigate rates,

charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. Under Commission Rule of Procedure 325, the Commission has authority to clarify any order it issues on its own motion. IDAPA 31.01.01.325.

We find the Company's request to revise the language used in Order No. 36122 is reasonable and believe it is appropriate to simplify the request by clarifying the language rather than granting reconsideration. Since the Company's request does not challenge any part of our decision in Order No. 36122 as unreasonable, unlawful, erroneous, or not in conformity with the law as required by IDAPA 31.01.01.331.01, and instead asks for more precise language, clarification is appropriate. We now grant the relief requested through clarification. Rule of Procedure 325 allows this Commission to clarify its orders, if necessary. In this case, we agree with the Company that the language used in Order No. 36122 could create confusion and misunderstandings.

Based on our review of the Petition and Order No. 36122 the Commission finds it fair, just, and reasonable to clarify/amend the language on page 3 of Order No. 36122 as requested by the Company. First, the Commission clarifies Order No. 36122 to provide that the Company will **obtain** ownership of 1/5 of the operational hydrants per year for five years under the terms of the Agreement rather than replace 1/5 of the hydrants per year for five years. Second, the Commission clarifies Order No. 36122 to provide that the Company will **install** up to 200 **new** hydrants during the term of the Agreement rather than replace up to 200 hydrants during the term of the Agreement. Last, the Commission clarifies Order No. 36122 to provide that under the Agreement the costs associated with the maintenance and repairs are expected to decrease after the Company **replaces or repairs hydrants, as necessary, after inspection pursuant to the Agreement** rather than replacing all operational hydrants. The Commission also finds that, except as expressly clarified/amended by this Order, the remaining contents of Order 36122 shall remain in full force and effect.

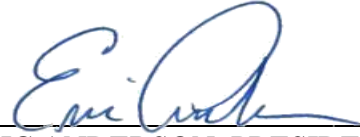
ORDER

IT IS HEREBY ORDERED that the Company's Petition to revise Order No. 36122 is granted.

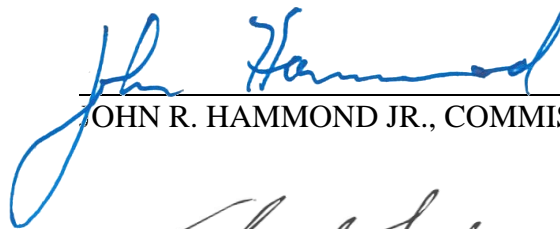
IT IS FURTHER ORDERED that Order No. 36122 shall be clarified as set forth in our findings in this Order.

ITS IS FURTHER ORDERED that except as expressly clarified by this Order, the remaining contents of Order 36122 shall remain in full force and effect.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of May 2024.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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