

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER SMITH  
COMMISSIONER RAPER  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** STACEY DONOHUE

**DATE:** OCTOBER 30, 2015

**RE:** UNITED WATER IDAHO INC. TARIFF ADVICE REVISION TO  
SCHEDULE NO. 6, MUNICIPAL FRANCHISE FEES CITY OF BOISE  
FRANCHISE ORDINANCE 43-15

### BACKGROUND

On October 22, 2015, United Water Idaho Inc. submitted a letter to update United Water Schedule No. 6, Municipal Franchise Fees, for the City of Boise. The revision reflects the new City of Boise ordinance, but does not change the existing three percent franchise fee. The proposed franchise fee agreement was approved by the City of Boise on October 20, 2015 and accepted by United Water on October 21, 2015.

The franchise fee imposes a three percent fee on the sale of water and water services within the corporate limits of the City of Boise. The franchise fee agreement is for a term of 10 years, and remains in effect until the end of that term unless amended in the manner set forth by the City of Boise in Ordinance No. 43-15. The agreement will automatically extend for two additional five year terms beginning November 1, 2025 and November 1, 2030 also consistent with the terms of Ordinance No. 43-15.

United Water filed for the Schedule No. 6 revision on October 22, 2015 and requested an effective date of November 1, 2015. The proposed effective date does not meet the 30 days' minimum notice required by Idaho Code § 61-307, which states: "Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge or classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility except after thirty (30) days' notice to the commission and to the public as herein provided."

However, § 61-307 also states that “the commission, for good cause shown, may allow changes without requiring the thirty (30) days’ notice herein provided for, by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published.”

Because this tariff revision does not involve a change in customer rates or the franchise fee but merely notes the new City of Boise ordinance, Staff believes there is good cause to accept the revised tariff for filing without the 30 days’ notice.

Staff recommends that the Commission accept the revised tariff for filing on the first business day after the requested effective date, which is November 2, 2015.

### **STAFF ANALYSIS**

Staff has reviewed the modification and recommends the Commission accept the revised Schedule No. 6 tariff sheet for filing with an effective date of November 2, 2015.

### **COMMISSION DECISION**

Does the Commission wish to accept the Company’s revised Schedule No. 6 tariff sheet for filing with an effective date of November 2, 2015?

  
Stacey Donohue

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