

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF ) CASE NO. BAR-W-98-1**  
**THE BARBER WATER CORPORATION FOR )**  
**AUTHORITY TO EXTEND TEMPORARY )**  
**WATER SERVICE TO IDAHO SHAKESPEARE )**  
**FESTIVAL. ) ORDER NO. 27677**  
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On June 9, 1998, the Barber Water Corporation (Barber Water; Company) filed a letter request with the Idaho Public Utilities Commission (Commission) seeking authority to extend temporary water service to the Idaho Shakespeare Festival (ISF), at a noncontiguous site located across State Highway 21 from the Company's present service area. As reflected in a Company letter to its customers, the Idaho Shakespeare Corporation has requested intermittent use of approximately 10 service units which will require approximately 75 gallons per minute during short periods of time.

The Company contends that the proposed service extension will not affect system water pressure or compromise fire protection. The Company estimates that the maximum demand for the Shakespeare Festival site will be approximately 13,000 gallons for a three-hour period. Pumping capacity for the Barber Water System is approximately 550,000 gallons per day. The Company also has a 200,000 gallon reservoir. The Company states that this Spring it was using only one pump for approximately four to five hours and averaging about 65,000 gallons of water per day. During May with irrigation of lawns and gardens, consumption has doubled. It is now operating the pump for approximately 10 hours per day and using about 130,000 gallons per day.

Barber Water Corporation is a public water utility providing water service to approximately 205 residential customers at a site located off State Highway 21 in Ada County, Idaho. Barber Water states that it is trying to provide a community service by this temporary provision of water service until United Water extends its service to the area. The Company will have no capital outlay related to the extension of service.

On June 4, 1998, the Idaho Consumer Affairs, Inc., on behalf of a number of Barber Water customers, filed a letter with the Commission contending that Barber Water was in violation of Idaho Commission Rule 112 (Certificate of Public Convenience and Necessity) and had entered into an agreement to supply water to the Shakespeare Festival, a non-contiguous non-residential entity located outside of Barber Water's approved service areas, Golden Dawn and Barberton Mobile

Home Park Subdivisions. The contention of the Idaho Consumers Affairs, Inc. is that Barber Water extended its service to the Shakespeare Festival in an arbitrary, unorthodox and "backdoor" manner. The customers request a hearing regarding the procedure followed by Barber Water.

Commission Notices of Application and Modified Procedure in Case No. BAR-W-98-1 were issued on July 1, 1998. The deadline for filing written comments was July 22, 1998. Timely comments were filed by Idaho Consumer Affairs, Inc., the State of Idaho Department of Water Resources, the State of Idaho Division of Environmental Quality (DEQ), the Commission Staff, and individual customers of Barber Water.

Based on its analysis and investigation, Staff agrees that the existing system has the capacity to serve the present needs and requirements of the Idaho Shakespeare Festival (domestic consumption and the current theater area irrigation system) and still provide adequate service to existing customers. Staff expresses concern, however, regarding the impact of future expansion plans for the Shakespeare facility (e.g., restroom, landscaping, etc.) and adjacent areas (e.g., proposed interpretative center).

It appears that the Company's present water rights must be expanded by the Idaho Department of Water Resources to permit service by Barber Water to Shakespeare. It is noted also that the Company's existing water rights do not include 30 lots in the Barberton Subdivision, an area presently served by the Company. Barber Water has made an Application to enlarge its existing water rights. Staff recommendations are premised on the assumption that the Company will be able to modify its existing water rights to allow service to the Shakespeare facility.

Staff recommends that the Company develop a new commercial tariff for service to Shakespeare. Because there is a lack of historical, technical and cost information for both the Barber Water system and the Shakespeare facility, Staff recommends that temporary fees for service be established. Staff recommends that the commercial tariff rates be initially set at \$174.40/mo (May-October) and \$142.40 (November-April), rates based on the estimated and potential equivalent usage of 16 dwelling units under the Company's present tariff rate structure.

Noting that manual operation of wells by the Company has resulted in pressure loss incidents in the past and speculating that this problem may be exacerbated during periods of Shakespeare operation, Staff recommends that the Company install a telemetering or equivalent automatic control system on the pumps and storage tank to help ensure that system pressure is maintained.

Noting that none of the existing customers are metered and that there is only a minimal amount of historical water usage pressure data for the system, Staff proposes that the Company

perform and document monthly meter and pressure readings for each of the two system wells, perform and document monthly metered readings of Shakespeare water usage, and following customer complaint and/or request, perform and document system and customer tap pressure readings in accordance with IDAPA 31.01.01.401 Complaint to Utility.

Staff recommends that water supplied ISF be restricted to domestic consumption and the current theater area irrigation system, and not be expanded to include fire protection or general irrigation systems. ISF has represented to Staff that irrigation services and fire protection will be provided by other water suppliers.

DEQ in its comments recommends that the Company be required to provide:

1. Documentation of capacity, such as pump curves (with information that show the operating point) or production records (meter readings and operating periods).
2. Calculation of fire protection storage available at reservoir "pump-on" level.
3. Documentation of lowest pressure in the distribution system during peak hour demand. A minimum of 20 psi is required.
4. Calculation of lowest pressure in the distribution system while providing 75 gpm to ISF.
5. DEQ also recommends that the Company make repairs to the roof of the storage tank and install a telemetry system to provide automatic operation.

The commenting customers and Idaho Consumers Affairs, Inc. continue to oppose the proposed expansion of service, expressing concern regarding the Company's water rights, water pressure, the temporary nature of the proposed service, the line extension practice of the Company and procedure. Some customers continue to request a public hearing in this matter.

#### **COMMISSION FINDINGS**

The Commission has reviewed and considered the filings of record in Case No. BAR-W-98-1 including the filed comments of Idaho Consumer Affairs, Inc., the of State Idaho Department of Water Resources, the State of Idaho Division of Environmental Quality, the Commission Staff and individual customers of Barber Water. We have also reviewed and considered the relevant statutory authority (*Idaho Code* § 61-526) and the Commission Rules (IDAPA 31.01.01.112) regarding amendments to Certificates of Public Convenience and Necessity for existing utilities. We find that the Company's filing when read in conjunction with the additional information provided by the commenting parties and viewed in the context of public interest satisfies

the underlying statutory and procedural requirements for certificate applications. Reference IDAPA 31.01.01.013 Liberal Construction. Despite the request of some of the Company's customers for a hearing in this matter, we continue to find it appropriate to process the case under Modified Procedure (i.e., by written submission rather than by hearing). Reference IDAPA 31.01.01.204.

On the facts presented, the Commission finds that Barber Water has sufficient well and reservoir capacity to meet the current water requirements of the Idaho Shakespeare Festival. Subject to and contingent upon the Company's ability to secure expanded water rights from the Idaho Department of Water Resources, we find that the present and future public interest will be served by issuance of a Certificate of Public Convenience and Necessity to Barber Water for the requested area (Idaho Shakespeare Festival Site). We find that no other utility or water service provider has expressed interest in providing potable water service to the Shakespeare site. We understand that water for fire protection is to be provided to the ISF site under an agreement with the Idaho Department of Parks and Recreation and that irrigation water is intended to be supplied through a source of ground water and/or surface water diverted from the Boise River and water rights or agreements obtained by ISF or the Idaho Foundation for Parks and Lands. We therefore find it reasonable to exclude fire protection and irrigation waters (apart from the limited present sprinkler and irrigation use) from the authorized water service provided to the site by Barber Water.

We find it reasonable to condition and qualify our granting of the requested certificate for extension of water service to the ISF site, in addition to securing the necessary water rights, by requiring that the Company satisfy the following terms and conditions recommended by Commission Staff:

- Water service to ISF is limited to present domestic (e.g., restroom facilities, drinking fountains, sinks and showers) and irrigation uses, with no water service for fire protection or general irrigation.
- Any increase in ISF water usage/consumption requirements related to future addition of facilities (except fire protection or general irrigation) is authorized and conditioned on the Company's ability to serve without diminishing water pressure and service to its residential customers.
- Installation by October 31, 1998 of telemetering or equivalent automatic controls on the well pumps and storage tank to help ensure that system pressure is maintained.
- Monthly record keeping and documentation of meter and pressure readings for each of the two system wells, ISF water usage, and pressure-related complaints. The

Company is directed to file a quarterly report of same with the Commission through year end 2000.

Reference *Idaho Code* 61-528 Certificate of Convenience and Necessity—Conditions.

We also find it reasonable to require a commercial tariff for water service to ISF and find Staff's methodology and resultant rates to be fair, just and reasonable, i.e., \$174.40/mo (May-October); \$142.40/mo (November-April) for water service provided on and after September 1, 1998.

We note that the Company has only requested authority to extend temporary service to the ISF site. The record reflects that there is no present plan or agreement for future service to the ISF site by any other service provider. The service that we authorize shall continue indefinitely until changed by Application, Notice and Commission Order.

#### **CONCLUSIONS OF LAW**

The Idaho Public Utilities Commission has jurisdiction over this matter and Barber Water Corporation, a water utility, pursuant to the authority and power granted under Title 61 of the *Idaho Code* and the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

#### **ORDER**

In consideration of the foregoing and as more particularly described and qualified above, IT IS HEREBY ORDERED that the Certificate of Public Convenience and Necessity No. 277 of Barber Water Corporation on securing of sufficient water rights from the Idaho Department of Water Resources be amended to reflect the addition of the Idaho Shakespeare Festival site. The Company is directed to file a map of the proposed boundary expansion and legal description of the ISF site. The Company is also directed to prepare and file an amended Certificate for Commission approval.

IT IS FURTHER ORDERED and Barber Water Corporation is authorized to charge the Idaho Shakespeare Corporation a commercial rate of \$174.40/mo (May-October) and \$142.40/mo (November-April). The Company is directed to prepare and file an appropriate tariff for effective date September 1, 1998.

IT IS FURTHER ORDERED and Barber Water Corporation is directed to install by October 31, 1998 telemetering or equivalent automatic controls on the well pumps and storage tank to help ensure that system pressure is maintained.

IT IS FURTHER ORDERED and Barber Water Corporation is directed to perform and document monthly meter and pressure readings for each of the two system wells; to perform and document monthly metered readings of ISF water usage; and upon customer complaint and/or

request to perform and document system and customer tap pressure readings. The Company is directed to file a quarterly report of same with the Commission through year end 2000.

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. 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 19th day of August 1998.

  
DENNIS S. HANSEN, PRESIDENT

Commissioner Nelson was out of the office on this date.

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RALPH NELSON, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Myrna J. Walters  
Commission Secretary

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