(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF  THE BARBER WATER CORPORATION FOR AUTHORITY TO EXTEND TEMPORARY WATER SERVICE TO IDAHO SHAKESPEARE FESTIVAL. | )  )  )  )  )  ) | CASE NO. BAR-W-98-1  ORDER NO.  27747 |

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 outside the Company’s present service area. Barber Water Corporation is a public water utility providing water service to approximately 205 residential customers at a site located adjacent to the City of Boise off of Warm Springs Avenue in Ada County, Idaho.

On August 19, 1998, the Commission issued final Order No. 27677 in Case No. BAR-W-98-1 authorizing, conditioned on the securing of sufficient water rights from the Idaho Department of Water Resources, the amendment of Barber Water Corporation’s Certificate of Public Convenience and Necessity No. 277 to reflect the addition of the Idaho Shakespeare Festival site.  The Company was directed to file a map of the proposed boundary expansion and legal description of the ISF site.  The Company was also directed to prepare and file an amended Certificate for Commission approval and a tariff rate schedule for ISF.

On September 2, 1998, Idaho Consumer Affairs, Inc. (ICA) filed a Petition for Reconsideration with the Commission Secretary.  ICA in its Petition contends that the Commission erred in processing the Company’s Application pursuant to Modified Procedure.  ICA continuing its opposition to the ISF agreement and the related extension of service and facilities contends that a formal public hearing should have been held.

ICA contends specifically that despite the Commission’s finding that “no other utility or water service provider has expressed interest in providing potable water service to the Shakespeare site”, another source of potable water was available to ISF, i.e., an unidentified property owner who lives east of the Darkwood Farm and is apparently known to the director of ISF.

Also filed with the Commission was a letter from Mr. Ronald Welch, who raises questions regarding the Company’s water rights and related ability to serve.  Mr. Welch suggests that the Commission by its orders may have directed and aided Barber Water into direct violation of the Company’s water rights, a violation that may have existed since July 1982 (reference right to serve Barberton Subdivision 1 and 2 and now ISF).

COMMISSION FINDINGS

The Commission has reviewed and considered the findings of record in Case No. BAR-W-98-1 including final Order No. 27677, the Petition for Reconsideration filed by the Idaho Consumer Affairs, Inc., the letter of Ronald Welch and other related correspondence.  Although not specifically designated as such, we find it reasonable to treat Mr. Welch’s letter as a Petition for Reconsideration.  Reference Idaho Code § 61-626.

We find that the petitioners have presented the Commission with no sufficient reason or justification for reconsidering its prior Order No. 27677 or holding further hearing.  In reviewing our Order we note that we considered the Company’s ability to provide service without diminishment of service quality to existing residential customers.  Indeed we find that the established conditions of service to ISF in addition to protecting the Company’s existing customers should result in improved and more reliable service.  The rates to residential customers remain unchanged.  We also note that the Commission expressly conditioned its grant of authority to Barber Water on the Company’s ability to secure adequate water rights.  Furthermore, we note that in approving the Company’s extension of service to ISF, as the facilities were already in place, we implicitly approved the method of extension.

We processed this case under Modified Procedure, i.e., by written submission rather than by hearing.  IDAPA 31.01.01.201-204.  We find that the procedure followed in this case permitted interested persons and customers with adequate opportunity to present their respective positions.  We affirm our prior Order and find it reasonable to deny reconsideration.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over Barber Water Corporation, a water utility, and its Application in Case No. BAR-W-98-1 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.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission hereby denies the Petitions for Reconsideration filed by Idaho Consumer Affairs, Inc. and Mr. Ronald Welch in Case No. BAR-W-98-1.

THIS IS A FINAL ORDER ON RECONSIDERATION.  Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. BAR-W-98-1 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules.  See Idaho Code § 61-627

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of September 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

bls/O:BAR-W-98-1.sw2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 24, 1998