

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF BRIAN WATER CORPORATION FOR) CASE NO. BRN-W-12-01
AUTHORITY TO INCREASE ITS RATES)
AND CHARGES FOR WATER SERVICE) NOTICE OF APPLICATION
)
) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 32539**

YOU ARE HEREBY NOTIFIED that on March 7, 2012, Brian Water Corporation (“Brian Water” or “Company”) filed an Amended Application requesting authority to institute a customer assessment in order to fund a water system study to bring the Company into compliance with a consent order issued by the Idaho Department of Environmental Quality (IDEQ).

YOU ARE FURTHER NOTIFIED that on April 12, 2012, the Commission received a copy of the IDEQ consent order.

YOU ARE FURTHER NOTIFIED that Brian Water’s Amended Application requests a \$22.50 increase in the monthly base rate in order to pay for “Nitrate Mitigation” as ordered by the DEQ. Brian Water states that the additional funds will be used to pay the engineering fee and then pay for a new, deeper well.

YOU ARE FURTHER NOTIFIED that the Company’s Amended Application includes a letter of agreement from a licensed professional engineering firm, JCLC, LLC, to complete the engineering work for the nitrate mitigation plan mandated by the IDEQ.

YOU ARE FURTHER NOTIFIED that the Company has proposed a May 1, 2012 effective date.

YOU ARE FURTHER NOTIFIED that Brian Water’s revenue requirement, and every component of it, both rate base and expense, are at issue. The Commission may grant, deny, or modify the revenue requirement requested and may find a revenue requirement different from that proposed by any party is just, fair and reasonable. IDAPA 31.01.01.124.01.

YOU ARE FURTHER NOTIFIED that the rates and charges of all Idaho retail customers, both recurring and non-recurring, including those of any special contract customers

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
ORDER NO. 32539

are at issue, and every component of every existing and proposed rate and charge is at issue. The Commission may approve, reject or modify the rates and charges proposed and may find that rates and charges different from those proposed by any party are just, fair and reasonable. IDAPA 31.01.01.124.02.

YOU ARE FURTHER NOTIFIED that the Commission may approve, reject or modify existing or proposed relationships between and among rates and charges within, between or among customer classes or rate groupings and may approve, reject or modify existing or proposed relationships among and between customer classes or rate groupings. IDAPA 31.01.01.124.02.

YOU ARE FURTHER NOTIFIED that the Commission may abolish, reduce or create rate blocks or categories of rates and charges, abolish, create or reduce components of rates and charges, abolish, reduce or create customer classes or rate groupings, and abolish reduce or create absolute or relative differences among and between existing classes or rate groupings of customers. IDAPA 31.01.01.124.02.

YOU ARE FURTHER NOTIFIED that the tariffs, practices, rules and regulations, service, instrumentalities, equipment, facilities, classifications, and customer relations of the utility are at issue and the Commission may address any of them in its order. IDAPA 31.01.01.124.02.

YOU ARE FURTHER NOTIFIED that the Commission Staff shall conduct an audit of the Company's Application, work papers and all documents and files relevant to this matter. Following such audit, the Staff shall present to the Commission its findings and recommendations. After reviewing the Staff's audit and recommendations, the Commission will issue an Order regarding the further processing of this case.

YOU ARE FURTHER NOTIFIED that the Idaho Public Utilities Commission has jurisdiction over Brian Water, its filing and the issues pertaining to this case pursuant to Title 61 of the Idaho Code and specifically *Idaho Code* §§ 61-502, 61-622 and 61-623.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the Company's filing, Case No. BRN-W-12-01, and finds that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position concerning Brian Water's Application in Case No. BRN-W-12-01 may file a written comment in support or opposition with the Commission within **twenty-one (21) days from the date of this Notice**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this filing should be mailed to the Commission and Brian Water at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Tony Bowar
Brian Water Corporation
5120 Overland Road, Suite C #228
Boise, ID 83704

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that Brian Water's filing can be viewed at www.puc.idaho.gov by clicking on "File Room" and then "Water Cases," or it can be viewed during regular business hours at the Idaho Public Utilities Commission, 472 West Washington Street, Boise, Idaho.

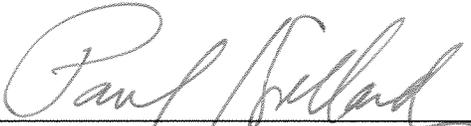
YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS HEREBY ORDERED that the Amended Application of Brian Water Corporation for authority to increase its rates and charges for water service shall be suspended for a period of 30 days plus 5 months pursuant to the Commission's authority under *Idaho Code* § 61-622.

IT IS FURTHER ORDERED that the Application of Brian Water Corporation shall be processed through Modified Procedure, IDAPA 31.01.01.201-204. Persons interested in submitting written comments in this matter must do so no later than 21 days from the service date of this Order.

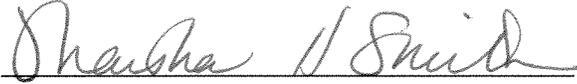
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25th day of April 2012.



PAUL KJELLANDER, PRESIDENT

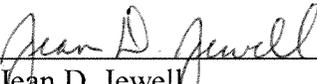


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:BRN-W-12-01_np