

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )  
FOX CREEK WATER & SEWER, LLC FOR A ) CASE NO. FCW-W-13-01  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY ) ORDER NO. 33480  
)**

---

On January 17, 2013, Fox Creek Water & Sewer, LLC (“Fox Creek” or “Company”) sent a letter to the Commission seeking a Certificate of Public Convenience and Necessity (CPCN) to operate as a water utility in Idaho. Fox Creek’s letter was submitted in response to Commission Staff notifying the Company that it was operating as a water utility in Idaho without a CPCN. Subsequently, Staff worked extensively with representatives of Fox Creek to assist them to prepare and submit necessary documentation to support their Application for a CPCN.

In the interim, the Company’s customers, Fox Creek Country Club Estates Property Owners Association, Inc. (“Estates HOA”) and Fox Creek Village Home Owners Association (“Village HOA”) purchased the Fox Creek water system from Fox Development, LLC and Fox Creek Investments, LLC, owners of the Fox Creek water system.

Ultimately, Fox Creek representatives provided a bill of sale to Staff documenting the legal transfer of the water system to transferees Estates HOA and Village HOA who are currently operating the water system at cost and for the sole benefit of Estates HOA and Village HOA members. According to the Idaho Secretary of State website records, Applicant Fox Creek has been dissolved.

**COMMISSION FINDINGS**

The Commission reviewed the record in this case, including the agreement provided by Fox Creek documenting the transfer of its water system to the aforementioned HOA members. The Commission finds that the transfer of the water system obviates further consideration or judgment regarding the Company’s Application. Additionally, the Commission finds that transferees Estates HOA and Village HOA are not subject to the Commission’s jurisdiction. *See Idaho Code* § 61-104. Therefore, Fox Creek’s Application for a CPCN, FCW-W-13-01, is dismissed.

**ORDER**

IT IS HEREBY ORDERED that Fox Creek Water & Sewer's Application for a Certificate of Public Convenience and Necessity is dismissed.

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in 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 10<sup>th</sup> day of March 2016.



\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

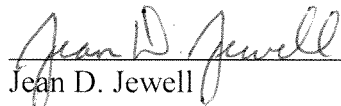


\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER



\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:



\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

O:FCW-W-13-01\_np