

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: KARL KLEIN, DEPUTY ATTORNEY GENERAL

DATE: JUNE 13, 2012

SUBJECT: LEONARD KOCH'S FORMAL COMPLAINT AGAINST FALLS WATER
REGARDING COST TO CONNECT SERVICE, CASE NO. FLS-W-12-02

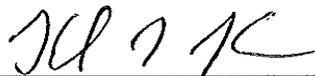
On February 29, 2012, Leonard Koch complained that Falls Water Company was overcharging him for a line extension to his property at 4335 N. Ammon Road, Idaho Falls (the "Property"). Informal resolution attempts did not succeed, and Mr. Koch filed a formal complaint. On March 22, 2012, the Commission accepted the complaint and issued a Summons. The Company filed an answer on April 12, 2012.

On April 17, 2012, Mr. Koch verbally notified Commission Staff that he sold the Property on April 13, 2012. He later verbally told Staff that he was withdrawing his complaint and that, per Staff request, he would send a written notice of withdrawal. *See* Rule 68 (party desiring to withdraw pleading must file a notice of withdrawal). To date, however, Mr. Koch has not filed the notice.

Staff unsuccessfully attempted to contact Mr. Koch several times to remind him to file written notice. Staff also obtained a copy of the deed, recorded April 13, 2012, conveying the Property to a new owner. Accordingly, based on Mr. Koch's statement that he is withdrawing the complaint and in light of the lack of a required, written notice of withdrawal, Staff recommends that the Commission order the complaint dismissed without prejudice. Such an Order would close the case but allow Mr. Koch to re-file if needed.

COMMISSION DECISION

Should the Commission dismiss the complaint without prejudice?



Karl Klein
Deputy Attorney General