BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF GOLDAN, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. | )))) | CASE NO. GNR-W-94-1ORDER NO.  26074 |

On October 17, 1994, Goldan, Inc. (Goldan) filed a set of financial statements with the Commission as an Application for authority to operate as a regulated public water utility through the Algoma Village Water and Sewer System and the Sagle Valley Estates Water and Sewer System.  The Application was signed by Mr. Leo J. McGavick.  Goldan also requested that the Commission establish rates and charges for water service.

On February 17, 1995, the Commission Staff submitted its first production request to Goldan.  On May 30, 1995, the Commission Staff filed a Motion to Compel asserting that Goldan had failed to respond to the first production request.  That motion is supported by the Affidavit of Staff’s attorney which states that Goldan has offered no reason for its failure to comply with the production request.

F I N D I N G S

Idaho Code § 61-501 vests the Commission with “power and jurisdiction to supervise and regulate every public utility in the state and to do all things necessary to carry out the spirit and intent of the provisions of this act.”  The term “public utility” is defined in Idaho Code § 61-129 and includes every “water corporation.”  The term “water corporation” is defined in Idaho Code § 61-125 to include “every corporation or person . . . owning, controlling, operating or managing any water system for compensation within the state.”

The fact that the owners of Goldan intend to operate the water systems in question for profit is documented in the Company’s October 17 Application which states “we would like to see at least a small profit in this operation.” We find, therefore, that by Goldan’s own admission the Company is operating as a public water utility providing water service to customers located in the state of Idaho.  As such, Goldan is subject to this Commission’s jurisdiction and is otherwise subject to the requirements imposed on all public utilities as set forth in Title 61 of the Idaho Code including responding to discovery requests submitted by the Commission Staff.  We hereby direct Goldan to respond to Staff’s first production request no later than July 7, 1995.  The Company is further informed that its failure to make such a response will result in the imposition of sanctions pursuant to Rule 232 of the Commission’s Rules of Procedure, (IDAPA 31.01.01) as well as Chapter 7, Title 61 of the Idaho Code.

O R D E R

IT IS HEREBY ORDERED that Goldan respond to the first production request of the Commission Staff no later than July 7, 1995 or be subject to sanctions as set forth herein.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of  June 1995.

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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