August 19, 1996

Gary Callihan

Mountain Pacific LLC

Goldan, Inc.

PO Box 2073

Sandpoint, ID 83864

RE: Algoma Water System Billing

Dear Mr. Callihan:

On August 6, 7 and 9, 1996, Ms. Marge Maxwell with the Commission Staff’s Consumer Assistance Section, left a request with your answering service that you contact her regarding a customer billing problem.  On August 8, she also left a request on an answering machine for Juanita to call, the individual that Ms. Maxwell believes does the billing for Algoma’s customers.  To date, neither you nor anyone on your behalf has responded to Ms. Maxwell’s inquiries.

The Commission is in receipt of a letter from one of your customers, Mr. Soss, who states that he has never received a response to his requests for return calls.  The lack of response to a customer and the Commission Staff is of significant concern.  As you recall, Commission Order No. 26526 required that you “otherwise respond diligently and promptly to inquiries of customers and the Commission Staff.”  Id. at p.  5.  Your failure to respond to both the customer and Staff is unacceptable.

Moreover, you did not file tariffs, including your general service rules and regulations, by August 12, 1996, as required by Commission Order No. 26526.  In addition, your billing statements do not meet the requirements of Rule 201 of the Commission’s Utility Customer Relations Rules [UCRR 701].  You also failed to provide the Commission Staff with a copy of the rule summary which Staff requested orally on April 24, 1996, and in Maxwell testimony p. 8, and restated in O.N. 26526, p. 3, which must be provided annually to customers  [UCRR 701].

As the Commission notes in Order No. 26526, Chapter 7 of Title 61 of the Idaho Code vests the Commission with authority to enforce its rules, regulations and orders and to seek injunctive relief in District Court or to impose monetary penalties in the event a utility fails to comply with an Order of the Commission.  Pursuant to Chapter 7, any utility which fails to comply with Commission directives is subject to a penalty of up to $2,000 for each and every offense.  Every violation of a Commission directive is considered a separate and distinct offense.  Furthermore, agents or employees of a public utility who aid or abet any violation by that utility of a Commission directive are considered guilty of a misdemeanor, punishable by a fine of up to $1,000 or imprisonment in a county jail of up to one year or both.

Be advised that I consider you to be in violation of Commission Order No. 26526 and, therefore, subject to the penalty provisions of Chapter 7, discussed above.  If you have not contacted the Commission Staff and remedied the violations enumerated above on or before August 28, 1996, I will have no choice but to request that the Commission pursue the sanctions provided for by Chapter 7 against you in district court.  If you have any questions concerning this matter, please contact me at (208) 334-0357.

Sincerely,

Brad Purdy

Deputy Attorney General

BP/vld

cc:Peter Richardson

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