BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE INVESTIGATION INTO WHETHER PACKSADDLE DEVELOP-MENT CORPORATION IS A PUBLIC UTILITY SUBJECT TO COMMISSION REGULATION. | )))))) | CASE NO. GNR-W-95-1ORDER NO.  25908 |

On January 17, 1995, the Commission received a Petition requesting an investigation into whether Packsaddle Development Corporation is a public utility and therefore subject to Commission regulation.  According to the Petition, Packsaddle Development Corporation provides water service to approximately 30 customers in the Packsaddle Creek Estates subdivision near Tetonia, Idaho.  The Petition was signed by approximately 20 people receiving water service from Packsaddle Development Corporation, the developer of the subdivision.

The Petitioners allege that although the Packsaddle Creek Estates Homeowners Association was formed on December 3, 1993, it does not own or operate the water system serving the subdivision.  The Petitioners maintain that the subdivision residents are purchasing water from Packsaddle Development Corporation, which continues to own and operate the water system.

By this Order, we open an investigation into whether Packsaddle Development Corporation is a public utility subject to Commission regulation.  Under Idaho Code § 61-129, the term “public utility” includes every “water corporation, . . . as [that] term is defined in this chapter. . . .”  Idaho Code § 61-125 defines “water corporation” as “every corporation or person . . . owning, controlling, operating or managing any water system for compensation within this state.”

Consequently, our inquiry in this case is focused on whether Packsaddle Development Corporation is selling water to the public for compensation within the state of Idaho.  To that end, the Commission Staff is hereby directed to issue production requests, written interrogatories or other forms of discovery as well as pursue its statutory right to examine and audit the records of Packsaddle Development Corporation as they relate or pertain to the sale of water.

O R D E R

IT IS HEREBY ORDERED that the Commission initiate this proceeding to investigate whether Packsaddle Development Corporation is operating as a public utility subject to Commission regulation.

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

MARSHA H. SMITH, PRESIDENT

RALPH NELSON, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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