(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE INVESTIGATION OF THE SERVICE AND OPERATIONS OF THE HAPPY VALLEY WATER SYSTEM. | )  )  )  )  )  )  ) | CASE NO. HVW-W-97-1  ORDER NO.  27329  TRANSFER OF CERTIFICATE NO. 328 |

On September 22, 1997, the Commission issued Certificate of Public Convenience and Necessity No.  328 to Mr. John Smick dba Happy Valley Water System (Company), Post Falls, Idaho.  Reference Case No. GNR-W-96-3, Order No. 27142.  The Commission in its Order directed the Company to make written petition or application to the Commission prior to any proposed change in ownership of the system.

On November 28, 1997, the Commission, being informed by Commission Staff that ownership of the Happy Valley Water System was purportedly transferred or reconveyed from John Smick to L. W. (Zeke) Davis, President of Coyote Coeur d’Alene Corporation, initiated Case No. HVW-W-97-1, an investigation into the service and operations of the Happy Valley Water System.

The Commission is informed that pursuant to a production request Commission Staff was provided by Mr. John Smick with a purchase and sale agreement dated October 1, 1997, and related promissory note dated October 10, 1997, (Attachment A), said documents purportedly transferring ownership of the Happy Valley Water System to Coyote Coeur d’Alene Corporation.

The Commission has also been provided with copies of letters ostensibly from Zeke Davis to water users acknowledging that Coyote Coeur d’Alene Corporation has reclaimed the Happy Valley Water System from John Smick and is again the utility owner (Attachment B).

The Commission has reviewed the above-referenced documents and finds that they comprise sufficient and reasonable basis for a transfer of Certificate of Public Convenience and Necessity No. 328 for the Happy Valley Water System from John Smick to Coyote Coeur d’Alene Corporation, L.W. (Zeke) Davis, President.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction and authority over the Happy Valley Water System, a water utility, its owners and the issues raised in Case No. HVW-W-97-1, pursuant to Title 61 of the Idaho Code and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission does hereby transfer Certificate of Public Convenience and Necessity No. 328 from Mr. John Smick dba Happy Valley Water System, Post Falls, Idaho to Coyote Coeur d’Alene Corporation, L.W. (Zeke) Davis, President, an Idaho Corporation, dba Happy Valley Water System.

THIS IS A FINAL ORDER.  Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of 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                  day of January 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/HVW-W-97-1.sw2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

January 21, 1998