SCOTT D. WOODBURY

DEPUTY ATTORNEY GENERAL

IDAHO PUBLIC UTILITIES COMMISSION

PO BOX 83720

BOISE, ID  83720-0074

(208) 334-0320

Street Address for Express Mail:

472 W WASHINGTON

BOISE ID  83702-5983

Attorney for Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE INVESTIGATION OF THE SERVICE AND OPERATIONS OF  THE HAPPY VALLEY WATER SYSTEM | )  )  )  )  )  )  )  ) | CASE NO. HVW-W-97-1  FIRST PRODUCTION REQUEST OF THE COMMISSION STAFF TO HAPPY VALLEY WATER SYSTEM |

The Staff of the Idaho Public Utilities Commission by and through its attorney of record, Scott Woodbury, Deputy Attorney General, requests Happy Valley Water System provide the following documents and information, pursuant to Commission Rule of Procedure 225, IDAPA 31.01.01.225, on or before FRIDAY, DECEMBER 12, 1997.

This production request is to be considered as continuing, and Happy Valley Water System is requested to provide by way of supplementary responses, additional documents that you or any person acting on your behalf may later obtain that will augment the documents produced.

Please provide answers to each question; supporting workpapers that provide detail or are the source of information used in calculations; the name and telephone number of the person preparing the documents; and the name, location and telephone number of the record holder.

It has come to our attention that the Happy Valley Water System may have been transferred or reconveyed since the date of Commission Order No. 27142 and the issuance of Certificate of Public Convenience and Necessity No. 328.  Both the Certificate and the Order are dated September 22, 1997.  The Certificate was issued to Mr. John Smick dba Happy Valley Water System, the owner of the system at the time.

Order No. 27142 at page 4 states:

IT IS FURTHER ORDERED and the Company is required to make written Petition or Application to the Commission prior to any proposed change in ownership of the system.

If a transfer of ownership has indeed taken place, it is in violation of the Commission’s Order.  Therefore, Staff requests responses to the following questions in order to determine if indeed a transfer of ownership has taken place and provide documented proof of that action.

Request No. 1: Has a transfer of ownership of the Happy Valley Water System taken place transferring ownership of the water system from Mr. John Smick?

Request No. 2: If so, what was the date of the transfer?

Request No. 3: What is the name, address and phone number of the new owner?

Request No. 4:  Please provide a copy of the bill of sale, transfer documents or contract consummating the transaction.

Request No. 5: Please provide a copy of any quit claim deeds, deeds of trust or other such documents evidencing Mr. Smick’s relinquishing any title to the property of the water system.

Request No. 6: Please provide a complete list of all assets transferred in the transfer of the water system.

Request No. 7: What was the consideration for transfer of the system?

Request No. 8: How was the transfer consideration amount determined?  Please provide itemized calculations.

Request No. 9: What notification was provided to the customers regarding the transfer of the water system?  Please provide a copy of the notice.

Request No. 10: Please provide a list of final meter readings for each customer at the time of the transfer.

Request No. 11: Please provide a copy of each customer’s account billing record between April 1, 1997 and October 31, 1997.

Request No. 12: Please provide a copy of any and all other correspondence sent to customers between April 1, 1997 and November 30, 1997.

Request No. 13: Please provide a copy of any and all correspondence among Mr. John Smick, Mr. L.W. “Zeke” Davis, Coyote Coeur d’Alene Corp., Happy Valley Water District and Cougar Ranch.

Request No. 14: Is any company or person in the process of organizing and/or creating any form of association to assume ownership and/or operation of the water system?

Request No. 15: Has any company or person retained legal counsel to draft and prepare documents required to create or form any association referred to in Request No. 14 above?  If so, please provide the name, address and phone number of such counsel.

DATED at Boise, Idaho, this              day of November 1997.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Scott Woodbury

Deputy Attorney General

SW:RES:jo/umisc\prodeq\hvww971.sw1