

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE CANCELLATION  
OF CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY NO. 394—HUMPY’S WATER  
COMPANY.**

**CASE NO. JHW-W-04-1**

**ORDER NO. 29526**

On May 24, 2004, the Idaho Public Utilities Commission (Commission) received a letter from Joe D. Humpherys, certificated owner of Humpy’s Water Company, requesting that Certificate of Public Convenience and Necessity No. 394 be cancelled because the Company’s 16 customers are now served by the Moreland Water and Sewer District (Water District), PO Box 986, Blackfoot, Idaho 83221. Certificate 394 was issued to Mr. Humpherys dba Humpy’s Water Company on January 23, 2002. Reference Case No. EMR-W-00-1, Order No. 28934. The service area of Humpy’s Water Company was the East Moreland Subdivision located in Blackfoot, Idaho.

The Commission is informed, pursuant to Staff inquiry, that the Moreland Water and Sewer District has verified that the customers previously served by Humpy’s Water Company are now being served by the Water District.

**COMMISSION FINDINGS**

The Commission has reviewed and considered the filings of record in Case Nos. EMR-W-00-1 and JHW-W-04-1. We have also considered the representations of Mr. Humpherys and Staff regarding the Moreland Water and Sewer District. The Commission finds that the customers previously served by Humpy’s Water Company are now served by the Moreland Water and Sewer District. The Water District is a political subdivision of the State of Idaho. Reference *Idaho Code* §§ 52-3201 *et seq.* The Commission’s jurisdiction and authority over water systems derives from statute. Reference *Idaho Code*, Title 61. Based on our review of Title 61—*Idaho Code*, we find that the Commission has no statutory jurisdiction over the Moreland Water and Sewer District, and no longer has regulatory authority or jurisdiction over Humpy’s Water Company. Reference *Idaho Code* §§ 61-104, 61-124, 61-125 and 61-129.

Finding that we no longer have jurisdiction over the service provider and the affected service territory, we accordingly find it reasonable and appropriate to cancel the Certificate of Public Convenience and Necessity No. 394, previously issued by this Commission to Joe D. Humpherys, dba Humpy's Water Company, Blackfoot, Idaho, and to terminate Mr. Humpherys' obligation to provide water service to the related service territory.

#### **CONCLUSION OF LAW**

The Idaho Public Utilities Commission has jurisdiction to determine its continued authority and jurisdiction in this matter pursuant to the authority granted the Commission under Title 61 of the Idaho Code and the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

#### **ORDER**


In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that Certificate of Public Convenience and Necessity No. 394 issued to Joe D. Humpherys dba Humpy's Water Company is cancelled and the obligation of Mr. Humpherys to provide water service to the related certificated area and service territory is terminated.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in 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.

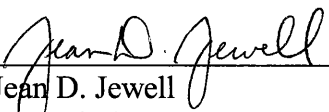
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10<sup>th</sup>  
day of June 2004.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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