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

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| IN THE MATTER OF THE APPLICATION OF MORNING VIEW WATER COMPANY, INC.  FOR A CHANGE IN RATES AND CHARGES. | )  )  )  )  )  ) | CASE NO. MNV-W-97-1  ORDER NO.  27163 |

On September 24, 1997, the Commission Staff in Case No. MNV-W-97-1 filed a Motion pursuant to IDAPA 31.01.01.056 and .065 to dismiss the Morning View Water Company’s filing as an insufficient and defective Application failing to satisfy the requirements of Rules 52 and 121 of the Commission’s Rules of Procedure—IDAPA 31.01.01.052 and .121.  Specifically, Staff states that the Company’s May 7, 1997, letter filing (Application) purports to be a request for an immediate rate case, yet contrary to Rule 52(c) fails to request any specific relief; and contrary to Rule 121—Form and Contents of Application to Change Rates fails to specify how much of an increase is requested, submits no tariffs and provides no itemized costs, workpapers or documentation.  Additionally, no effective date is requested.

Morning View in letter response dated October 3, 1997, requests a 30-day extension of time to complete its filing.

COMMISSION FINDINGS

The Commission has reviewed and considered the filings of record in Case No. MNV-W-97-1, Staff’s Motion to Dismiss, and the Company’s request for an extension.  The Commission finds it reasonable to grant the Company 30 days to complete its filing and to cure what is otherwise an insufficient and defective Application.

CONCLUSIONS OF LAW

The Commission has jurisdiction over Morning View Water Company and the issues raised in Case No. MNV-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 that Staff’s Motion to Dismiss in Case No. MNV-W-97-1 is denied.

IT IS FURTHER ORDERED and the Company is granted an extension of time until Friday, November 14, 1997, to complete its filing in Case No. MNV-W-97-1 in conformance with and pursuant to applicable Commission Rules of Procedure.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of October 1997.

DENNIS S. HANSEN, PRESIDENT

RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

October 14, 1997