(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.  27361 |

On October 14, 1997, the Commission issued Order No. 27163 in Case No. MNV-W-97-1 denying a Commission Staff Motion to Dismiss and granting Morning View Water Company (Company) an extension of time until 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.  In its Order the Commission found that a further filing was necessary “to cure what is otherwise an insufficient and defective Application.”  In granting an extension the Commission was responding to a letter request of the Company dated October 3, 1997.

The Commission has reviewed the record in Case No. MNV-W-97-1 and notes that the Company has failed to supplement its filing or complete its Application.  The Commission therefore finds it reasonable without further notice or procedure and by way of administrative housekeeping to dismiss without prejudice the Company’s filing in Case No. MNV-W-97-1.

In dismissing the Company’s Application we find it to be insufficient and defective, 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, we find 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.

CONCLUSIONS OF LAW

The Commission has jurisdiction over Morning View Water Company, a water utility, 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 the Application of Morning View Water Company in Case No. MNV-W-97-1 is hereby dismissed without prejudice.

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 February 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

ccvld/O:MNV-W-97-1.sw2

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

February 10, 1998