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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  MOTION TO DISMISS |

COMES now the Commission Staff by and through its attorney, Scott D. Woodbury, Deputy Attorney General and moves the Commission pursuant to IDAPA 31.01.01.056 and .065 for a dismissal of the Company’s filing in Case No. MNV-W-97-1 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, 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 contra 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 cost, workpapers or documentation.  Additionally, no effective date is requested.

As reflected in the filings of record in Case No. MNV-W-97-1, the Commission Staff by letter and production request to Company dated August 7, 1997 (attached), requested information necessary to complete the Company’s filing.  Staff’s letter specifically states: “Failing to receive same, there is a good chance your application will be dismissed as being incomplete.”  The record reflects that no further information regarding the Company’s Application in Case No. MNV-W-97-1 was received.  A review of Commission records also reveals that the Company has failed to file an Annual Report with the Commission since 1991, as required by Idaho Code § 61-405.

DATED at Boise, Idaho this                  day of September 1997.

Scott D. Woodbury

Deputy Attorney General

vld/N:MNV-W-97-1