

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF MURRAY WATER WORKS SYSTEMS)	CASE NO. MUR-W-10-01
FOR AUTHORITY TO INCREASE ITS)	
RATES AND CHARGES FOR WATER)	ORDER NO. 32137
SERVICE)	

PROCEDURAL BACKGROUND

On January 13, 2010, Murray Water Works Systems (“Murray” or “Company”) filed an Application requesting authority from the Commission to increase its rates and charges for water service. The Application did not include an effective date for the proposed increase in rates and charges.

On February 25, 2010, the Commission issued a Notice of Application and Notice of Modified Procedure establishing a 60-day comment period. Subsequently, the Commission extended the comment period until June 15, 2010. *See* Order No. 31065. On April 13, 2010, Staff conducted a public workshop in Murray, Idaho regarding the Company’s filing.

On June 15, 2010, Staff submitted written comments regarding Murray’s Application. The Commission also received six separate comments from Murray’s residential and business customers. On August 12, 2010, the Commission held a telephonic hearing at the Commission’s office in Boise, Idaho during which the Commission heard the testimony of one Murray customer.

On November 2, 2010, the Commission issued Order No. 32105. Thereafter, the Commission received a total of 33 Petitions for Reconsideration (“Petitions”) from individuals purporting to be residential and commercial customers of Murray (“Petitioners”) within the November 23, 2010 deadline.

PETITIONS FOR RECONSIDERATION

All of the Petitions consisted of a single-page of identical text. The Petitions varied only in the name and address listed for each Petitioner. Each Petition requested the “immediate postponement and subsequent reversal of Order No. 3210[5]” until Murray has complied with “all Federal, State and County laws, regulations, orders and licenses, pertaining to public utilities. . . .” *Petitions* at 1. Petitioners believe that Mr. Lish, Murray’s owner, should be

subject to fines and penalties. *Id.* As justification for their request, the Petitioners cite to a generalized failure by Murray to comply with Utility Customer Relations Rules (“UCRR”), IDAPA 31.21.01 *et seq.*; and a “co-mingling of records and accounts of a public utility with other business and personal ventures. . . .” *Id.*

STANDARDS FOR RECONSIDERATION

Reconsideration provides an opportunity for a party to bring to the Commission’s attention any question previously determined and thereby affords the Commission with an opportunity to rectify any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). The Commission may grant reconsideration by reviewing the existing record by written briefs, or by evidentiary hearing. IDAPA 31.01.01.311.03.

If reconsideration is granted, “the matter must be reheard, or written briefs, comments or interrogatories must be filed, within thirteen (13) weeks after the date for filing petitions for reconsideration.” *Idaho Code* § 61-626(2). “The commission must issue its order upon reconsideration within twenty-eight (28) days after the matter is finally submitted for reconsideration.” *Id.* Commission Rule 311 “determines when a matter that is reconsidered is finally submitted for purposes of Section 61-626. . . .” IDAPA 31.01.01.332. A matter is deemed “submitted for decision . . . no later than twenty-eight (28) days after hearing is closed when a hearing is held. . . .” IDAPA 31.01.01.311.

COMMISSION DECISION AND FINDINGS

The Commission has carefully reviewed and considered the requests put forth by the Petitioners. We acknowledge and appreciate the sincere concerns expressed in the Petitions. Many of the concerns expressed in the Petitions can also be found in the public comments submitted to the Commission during the pendency of Murray’s Application, as well as the August 12, 2010, Telephonic Public Hearing.

In response, the Commission has, in part, ordered “Murray to comply with all [Idaho Department of Environmental Quality] IDEQ requirements” and “immediately develop and submit a plan of correction to IDEQ and remedy any system deficiencies identified by IDEQ.” Order No. 32105 at 18. The Commission also directed Murray to “immediately submit to the Commission a copy of the corrective plan required by IDEQ, as well as an invoice detailing the costs of implementing the IDEQ-mandated measures.” *Id.* As of the date of this Order, Staff

continues to consult with IDEQ regarding Murray's progress towards full compliance with IDEQ's requirements.

Petitioners' complaints regarding Murray's sub-standard business and recordkeeping practices are well-founded and were of particular concern to the Commission during our rate case deliberations. Accordingly, the Commission sought to address these concerns by, among other things, ordering Murray to "modify its current business practices and begin issuing billing statements that comply with the requirements of the UCRR" and "develop and maintain a system for the recording of customer complaints." Order No. 32105 at 21-22. We find it prudent to allow Murray a reasonable opportunity to comply with our directives. In the interim, Commission Staff will continually monitor Murray's quality of service and verify whether Murray complies with the Commission's mandates. As always, customers are permitted to participate in the verification process and submit specific concerns and complaints to the Commission pursuant to UCRR 401-404, IDAPA 31.21.01.401-404.

Based upon the foregoing analysis and authority, the Commission reaffirms its prior ruling in Order No. 32105 granting Murray's request for an increase in rates and charges for water service as set forth more fully in that Order. The Commission finds that its prior decision is based upon substantial evidence and that the authorized rates and charges set forth in Order No. 32105 are just and reasonable.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over Murray Water Works System, a water utility, and the Petitions for Reconsideration presented in Case No. MUR-W-10-01 pursuant to Idaho Code, Title 61, specifically *Idaho Code* § 61-626, and the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

IT IS HEREBY ORDERED that the Petitions for Reconsideration of Order No. 32105 pertaining to Murray Water Works' Application for an increase in its rates and charges for water service are denied.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order may, pursuant to the Idaho Code and Idaho Appellate Rules, appeal to the Supreme Court of Idaho with regard to any matter decided in this Order. *See Idaho Code* § 62-627.

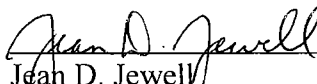
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14th
day of December 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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