

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PACKSADDLE WATER SYSTEMS,)	CASE NO. PKS-W-15-01
INC. FOR APPROVAL OF ITS PURCHASE)	
OF THE WATER SYSTEM AND A)	
CORRESPONDING NAME CHANGE)	ORDER NO. 33633
)	

On September 21, 2016, the Commission issued Order No. 33603. In that Order, the Commission: (1) approved Packsaddle Estates Water Corporation's sale of its water system to Packsaddle Water Systems, Inc.; (2) cancelled Packsaddle Estates Water Corporation's Certificate of Public Convenience and Necessity (CPCN) No. 320 and (3) relieved Packsaddle Estates Water Corporation of its obligation to serve the public as a public utility in Idaho. In doing so, the Commission declined to exercise jurisdiction over the water system's new owner, Packsaddle Water Systems, Inc., because that Company is a mutual non-profit organization and the Commission has no jurisdiction over a "mutual nonprofit or cooperative . . . water . . . corporation or any other public utility organized and operated for service at cost and not for profit. . . ." *Idaho Code* § 61-104.

On September 22, 2016, Tory Whitehead, a customer of Packsaddle Estates Water Corporation who had filed two sets of comments in the case, filed a Petition for Reconsideration that states, in full:

Would like to officially request reconsideration of IPUC final order number 33603. Would also like to note contrary to the final order statement concerning past customer statements, I made comments and have been a continuous customer since the IPUC began regulating packsaddle water corp.

No one responded to Mrs. Whitehead's Petition.

Having reviewed the record, we deny the Petition and decline to reconsider Order No. 33603 for the reasons discussed below.

STANDARD FOR RECONSIDERATION

After the Commission issues an order, a person has 21 days to file a petition for reconsideration that brings to the Commission's attention a question previously determined and affords the Commission an opportunity to rectify any mistake or omission. *See Idaho Code* § 61-326; IDAPA 31.01.01.325; *Washington Water Power Co. v. Kootenai Environmental*

Alliance, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). Within 28 days after the petition is filed, the Commission must issue an order stating whether it will reconsider the matter and, if so, how the matter will be reconsidered and whether any cross-petitions will be granted. *Idaho Code* § 61-626(2). The decision to grant or deny a motion for reconsideration is committed to the Commission's sound discretion. *See* 56 Am. Jur. 2d *Motions, Rules, and Orders* § 40 (2016).

DISCUSSION

The Commission declines to reconsider its Order because the Petition for Reconsideration does not comply with Rule 331, IDAPA 31.01.01.331. Under the Commission's rules, which have the force and effect of law (*Mead v. Arnell*, 117 Idaho 660, 664, 791 P.2d 410, 414 (1990)), the petition must specify: (1) why "the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law" (Rule 331.01); (2) "the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted" (*Id.*); and (3) "whether the petitioner . . . requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories" (Rule 331.03). The Petition at issue contains none of this information. Accordingly, the Petition provides the Commission with no reason to question its earlier rationale or reconsider the Order. The Petition is, therefore, denied.

The Petition does note that the petitioner, Mrs. Whitehead, is a Packsaddle Estates Water Corporation customer who filed comments in this case. The Commission recognizes these facts, appreciates the detailed comments that Mrs. Whitehead submitted, and did not intend to imply anything to the contrary in its Order. The Order's opening paragraphs do state that "seven customers filed comments in the case," and the section of the Order that summarizes those comments is entitled "Customer Comments." Order No. 33603 at 1-2. The Order's alternative reference to those customers being "former customers" of Packsaddle Estates Water Corporation simply acknowledges that Packsaddle Estates Water Corporation no longer owns the water system and has not served customers since October 1, 2015.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code* § 61-627.

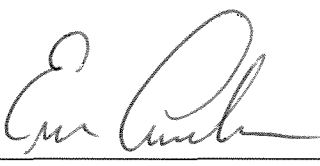
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20th
day of October 2016.



PAUL KJELLANDER, PRESIDENT

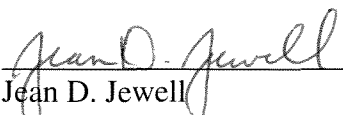


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:PKS-W-15-01_kk2_Reconsideration