

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: WELDON STUTZMAN

DATE: DECEMBER 16, 2005

SUBJECT: PETITION BY UNITED WATER TO AMEND FINAL ORDER,
CASE NO. UWI-W-04-4

On November 21, 2005, United Water Idaho Inc. filed a Petition seeking amendment of the Commission's final Order on reconsideration, Order No. 29871, issued in the Company's recent rate case. The Commission directed the Company in that Order to prepare a conservation plan and submit it for review no later than April 1, 2006. In its Petition, United Water states that it solicited proposals from qualified consulting firms for preparation of a conservation plan. Only one firm submitted a responsive bid, however, and some of the firms indicated the proposed timeframe was too short to complete and file a conservation plan.

United Water asserts in its Petition that preparation of a suitable conservation plan is not feasible by April 1, 2006, and requests that Order No. 29871 be amended to extend the deadline to December 1, 2006. Specifically, United Water proposed the following schedule:

Update to the Commission on status of the ongoing plan revision by:	April 1, 2006
Submit the final revised conservation plan to the Commission by:	December 1, 2006
Commission completes its review of the plan by:	February 1, 2007
United Water begins initial implementation of the revised plan no later than:	June 1, 2007

Commission Rule of Procedure 57 provides twenty-one days for any party to answer a petition. The period for filing answers terminated on December 12, 2005, and only one response was filed. Idaho Rivers United (IRU) on November 28, 2005 filed a one-sentence response to United Water's Petition, stating IRU does not oppose the Company's Petition to extend the deadline for submission of a conservation plan.

United Water filed its Petition pursuant to Commission Rule of Procedure 326(b), which states that any person may petition to amend a final Order pursuant to *Idaho Code* § 61-624. That statute provides that the Commission may at any time, upon notice to the public utility affected and after opportunity for the utility to be heard as provided in the case of complaints, amend any decision made by it. Complaint cases require that a utility complained against have an opportunity to present evidence at a hearing. Where a utility is itself requesting amendment, there is no hearing requirement, and United Water in its Petition did not request any additional process for the Commission to consider its Petition.

Staff recommends the Commission approve United Water's Petition to amend Order No. 29871 to extend the deadline for submission of a conservation plan.

COMMISSION DECISION

Should the Petition of United Water to amend Order No. 29871, extending the deadline for submission of a conservation plan, be approved?



Weldon Stutzman

bls/M:UWI-W-04-04_ws