

DECISION MEMORANDUM

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

FROM: DON HOWELL

DATE: JANUARY 27, 2006

SUBJECT: JAYO CONSTRUCTION'S NOTICE OF WITHDRAWAL OF COMPLAINT, CASE NO. UWI-W-05-5

On November 10, 2005, the Commission served a summons on United Water Idaho requiring it to file an Answer to Jayo Construction's written complaint. Jayo alleged that United Water was not in compliance with its Special Facilities tariff regarding the construction of a storage facility located in the Boise Foothills. United Water filed a timely answer. The parties and Staff subsequently engaged in fruitful settlement negotiations. Consequently, Jayo filed a Notice of Withdrawal of Complaint on January 26, 2006.

Jayo's Notice is consistent with the Commission's procedural Rule 68, IDAPA 31.01.01.068. Unless otherwise ordered by the Commission, a Notice of Withdrawal is effective 14 days after filing. Given the settlement of the underlying dispute, Staff recommends that the Commission simply allow the Notice to become effective.

COMMISSION DECISION

May Jayo withdraw its complaint?



Don Howell