

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: WELDON STUTZMAN
DEPUTY ATTORNEY GENERAL**

DATE: SEPTEMBER 16, 2011

**SUBJECT: CASE NO. UWI-W-11-03
UNITED WATER'S APPLICATION TO APPLY ABANDONED
DEPOSITS TO ITS LOW-INCOME ASSISTANCE PROGRAM**

On September 2, 2011, United Water Idaho Inc. filed an Application requesting Commission authority to pay unclaimed deposits to its UW Cares program. The UW Cares program assists low-income and disadvantaged customers with payment of water bills. The Company initiated UW Cares in 2005, and the program is administered through El-Ada Community Action Partnership social service organizations. The program currently provides up to \$50 in annual water bill assistance to qualifying customers, and United Water initially designed it to match customer contributions into the fund up to \$20,000 annually. Since 2005, the program has provided more than \$74,000 in assistance to more than 1,600 qualified customers. In its currently pending general rate case, United Water is proposing to increase the annual amount available per customer to \$65 and to remove the matching cap of \$20,000.

Idaho Code § 14-508(1) provides that a deposit paid to a utility “in advance for utility services to be furnished, less any lawful deductions, that remains unclaimed by the owner for more than one (1) year after termination of services for which the deposit or advanced payment was made is presumed abandoned.” Pursuant to paragraph 2 of Section 14-508, the Commission may certify to the Idaho State Treasurer that a utility participates in a financial assistance

program that assists the utility's low income and disadvantaged customers with their utility bills.¹ Upon certification by the Commission, "the utility shall pay the funds which would have been presumed to be abandoned under subsection (1) of this section to the financial assistance program certified by the public utilities commission." *Idaho Code* § 14-508(2).

United Water's Application states that it currently holds two deposits related to the construction of subdivision water main extensions. The projects were abandoned by the developers prior to completion. The deposit amounts are \$80,817.48, deposited on January 31, 2007 and \$14,777.71, deposited on April 21, 2008. United Water asserts that it "made diligent effort to return the deposits to the depositors, but has been unable to do so." United Water Application, p. 3.

Because the deposits have remained unclaimed for more than a year, they are presumed to be abandoned pursuant *Idaho Code* § 14-508 and the Commission's Utility Customer Relations Rule 110, IDAPA 31.01.21.110. Accordingly, United Water requests a Commission Order certifying to the Idaho Treasurer that United Water participates in a financial assistance program which assists the utility's low-income and disadvantaged customers with their utility bills, and authorizing transfer of the deposits, less reasonable costs of this proceeding, to the dedicated UW Cares account. The Company requests that its Application be processed by Modified Procedure.

Staff recommends that United Water's Application be processed by Modified Procedure with a 21-day comment period followed by a 14-day reply comment period.

COMMISSION DECISION

Should the Commission issue a Notice of Application and Notice of Modified Procedure to process United Water's Application, providing for a 21-day comment period followed by a 14-day reply comment period?



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Deputy Attorney General

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¹ *Idaho Code* § 14-501(1) was amended in 2010 to designate the Idaho State Treasurer to receive the Commission's certification.

