October 28, 1997

Ernest H.  White, Vice President

M&M Mountain View Subdivision Water Corp.

6521 Angela Avenue

Nampa, ID 83686

RE: IPUC Case No.  UWI-W-96-2

Dear Mr. White:

Please be advised that pursuant to your request, you have received all Idaho Public Utilities Commission (Commission) documents related to M&M Mountain View Subdivision Water Corp (M&M).  The Commission’s records are public documents and are available for your inspection during regular business hours.  Records are maintained by the Commission Secretary, which is a statutory position and not a general clerical position.  Reference Idaho Code § 61-205.  The Commission does not regulate and has no jurisdiction over M&M.  Reference Idaho Code § 61-104.  The Commission does regulate United Water Idaho, Inc., which operates under Certificate of Public Convenience and Necessity No. 143 (amended).

The underlying Application in Case No. UWI-W-96-2 was an April 29, 1996, certificate filing by United Water, not M&M.  The Company requested that its Certificate of Service be amended to include the M&M service area.  By letter request dated November 15, 1996 (attached), United Water requested that the Application be considered withdrawn and the docket closed.  As reflected in the Company’s letter, “In the intervening time an alternative approach to operation of the water system within the subdivision has been devised and the agreement to purchase the system has been rescinded by mutual consent of both parties.”  If the Company’s representation is accurate, M&M acquiesced to the withdrawal of the Application.  The Commission granted the Company’s request by Order No. 26691 issued December 5, 1996.  As reflected in the Commission’s records, the Commission’s Order was mailed to Michael Soshea (President of M&M), to Ernest White and Darrell Ward (Vice Presidents of M&M) and to those other customers of M&M for whom the Commission had addresses (see attached list).  The time for reconsideration of the Commission’s Order is long past.  Reference Idaho Code § 61-626.

It is my understanding based on discussions with United Water that the M&M water system is presently being managed and operated by EM², an affiliate of United Water.  It is also my understanding that the mutual recision of the purchase agreement between United Water and M&M enabled M&M to qualify for Idaho Department of Water Resources monies for a new well, monies that would not have otherwise been available.  By obtaining a new well, it is my further understanding the M&M was able to resolve or mitigate a water quality problem that it was experiencing.

Should United Water at some future date present the Commission with an Application to purchase and acquire the M&M water system, its proposal will be given every consideration.

Sincerely yours,

Scott D.  Woodbury

Deputy Attorney General

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