(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF UNITED WATER IDAHO INC. FOR AUTHORITY TO REVISE AND INCREASE RATES CHARGED FOR WATER SERVICE. | )  )  )  )  )  )  ) | CASE NO. UWI-W-97-6  ORDER NO.  27449 |

On March 17, 1998, Sharon Ullman filed a Motion to Compel Disclosure in Case No. UWI-W-97-6.  Reference IDAPA 31.01.01.221, .222, .225 and IRCP 26(b)(1).  Specifically, Ms. Ullman seeks full response by United Water Idaho Inc. (United Water; Company) to the following production request:

Request No. 5:Please provide copies of any and all salary surveys in which UW Idaho has participated since rate case UWI-W-96-3 to include not only the portion of these surveys completed by UW Idaho, but the comparable data as provided in return by the survey sponsor(s) as well.

The Company made the following response to Ms. Ullman’s production request:

Attached is the information we provided in response to participating in the  1997 Idaho Cross-Industry Salary and Benefit Survey; however, the results of this survey are confidential.  The survey results stipulate:

“copies of the survey are distributed to and intended for the internal use of participants.  We and your fellow participants request that you respect this trust and not provide copies to unauthorized persons or those who have not taken the time or effort to provide data to the survey.  Any such unauthorized disclosure may result in liabilities for violation and infringement of copyright protection.”  (emphasis in original).

Noting that fees were paid by United Water for participating in the survey, Ms. Ullman contends that United Water, and therefore she as a ratepayer, paid for the Company’s privilege of participating in and receiving reports from the subject salary survey.  As an intervenor, Ms. Ullman believes that she is entitled to examine all of the information received by United Water from the 1997 Idaho Cross-Industry Salary and Benefits Survey because the reasonableness of the salaries that United Water pays its employees has a direct bearing on the outcome of this case.

United Water in response to Ms. Ullman’s Motion to Compel and by subsequent affidavit of Jeremiah Healy reiterates its initial response to the production request and stresses that United Water is prohibited from disclosing the survey results to Ms. Ullman, or any other third party.  Contrary to her assertions, the Company states that neither Ms. Ullman’s status as a ratepayer nor her status as an intervenor entitle her to obtain the property of Western Management Group, the disclosure of which is prohibited by Western Management Group.  United Water contends that comparable salary and benefit information is available from a variety of sources including publications of the Idaho Department of Employment.  United Water contends that there is therefore not a compelling need for disclosure and requests that the Motion to Compel Disclosure be denied.

Commission Findings

The Commission has reviewed and considered Ms. Ullman’s Motion to Compel disclosure, the related Production Request No. 5, the Company’s discovery response, and the Company’s response to Ms. Ullman’s Motion.  While the information requested is not technically a trade secret, proprietary or confidential vis-á-vis United Water (reference I.C. § 9-340), it does appear that the Company is contractually precluded from disclosing same and has been unable to obtain authorization for its release.  We note that the reasonableness of wage, salary and benefit packages of United Water employees is at issue in the revenue requirement phase of the Company’s general rate case.  While the information requested by Ms. Ullman might be interesting, we do not find that it is critical to the ultimate determination, nor does it preclude Ms. Ullman from securing similar information from other sources and cross-examining the Company as to the reasonableness of its wages, salaries and benefits.

It was reported to the Commission that the Company, acknowledging its inability to provide the requested salary and benefits survey report, is prepared to calculate its participation cost in the Western Management Group survey and remove  that dollar amount from its revenue request.  We find the Company’s proposal in this regard to be reasonable and will expect it to make this adjustment.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over United Water Idaho Inc.,  and the issues raised in this case, pursuant to Title 61 of the Idaho Code and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described and otherwise qualified above, IT IS HEREBY ORDERED that the Motion of Ms. Ullman to Compel Disclosure is denied.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of April 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:UWI-W-97-6.sw3

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

April 7, 1998