(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 APPROVAL OF COST OF SERVICE ALLOCATION AND RATE DESIGN. | )  )  )  )  ) | CASE NO. UWI-W-98-3  ORDER NO. 27818 |

On November 20, 1998, Sharon Ullman filed a Motion to Compel in Case No. UWI-W-98-3 requesting disclosure by United Water of specific names and addresses of customers who have complained to the Company about water quality.

United Water in declining to provide the requested information cited concerns about customer confidentiality and in its filed Reply specifically noted Rule 403 of the Commission’s Rules Governing Customer Relations (IDAPA 31.21.01) which specifies to whom customer complaint records may be released.  The rule provides that utilities must maintain records of such complaints and that they must be available upon request by the “concerned customer, the customer’s agent possessing written authorization, or the Commission.”  Ms. Ullman, the Company contends, does not fall within any of the identified categories of persons to whom such records may be released.  The Company has provided a numerical total of customers who have complained about water quality.

It is Ms. Ullman’s belief that United Water customers do not necessarily have an expectation of confidentiality regarding complaint records and that Rule 403 does not prohibit the Company from disclosing the information to others.

COMMISSION FINDINGS

The Commission finds that the customer information that Ms. Ullman seeks to obtain from the Company should remain protected.  By way of parallel, we note that informal complaint records of the Commission’s Consumer Division are exempt from disclosure to the public.  This is pursuant to a statutory investigatory record exception.  Reference IDAPA 31.01.01.026; Idaho Code Title 9, Sections 337-348.  While this exemption does not extend to the Company’s internal complaint records, we believe that the expectation of privacy is the same.  While Ms. Ullman is correct that the wording of Rule 403 does not expressly prohibit the Company from providing the information to others, we believe that when the rule is looked at in context, what is being addressed and protected  is customer privacy and confidentiality.  We therefore find it reasonable to deny Ms. Ullman’s Motion to Compel.

CONCLUSIONS OF LAW

The Commission has jurisdiction over United Water Company, a water utility, and the issues raised by Ms. Ullmanin in her Motion to Compel pursuant to Title 61 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 above, IT IS HEREBY ORDERED that the Motion to Compel filed by Ms. Ullman on November 20, 1998, in Case No. UWI-W-98-3 is denied.

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

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:UWI-W-98-3.sw

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 4, 1998