DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

GEORGE FINK

RICK STERLING

BEVERLY BARKER

DAVID SCOTT

WORKING FILE

FROM:SCOTT WOODBURY

DATE:NOVEMBER 25, 1998

RE:CASE NO. UWI-W-98-3

COST OF SERVICE/RATE DESIGN

MOTION TO COMPEL

On November 20, 1998, Sharon Ullman filed a Motion to Compel (attached) 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 (attached) specifically notes 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.  Ms. Ullman cites instances where customers’ names and addresses, as reflected in Commission complaint records, have been made part of the public record in Commission cases.  (Staff would contend that in the instances of public records cited by Ms. Ullman disclosures were at the customer’s request and/or with his/her consent).

Staff Analysis

Staff agrees with the Company’s analysis in this matter—specific names and addresses should not be disclosed.

Commission Decision

How does the Commission wish to handle Ms. Ullman’s Motion to Compel?  Pursuant to Procedural Rule 256, the Commission may consider and decide prehearing motions with or without oral argument.

Scott Woodbury

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