

DECISION MEMORANDUM

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

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: APRIL 18, 2012

SUBJECT: APPLICATION OF BRIAN WATER CORPORATION, CASE NO. BRN-W-12-01

On March 7, 2012, Brian Water Corporation (“Brian Water” or “Company”) filed an Amended Application requesting authority to institute a customer assessment in order to fund a water system study to bring the Company into compliance with a consent order issued by the Idaho Department of Environmental Quality (IDEQ). The Company proposed a May 1, 2012 effective date.

On April 12, 2012, the Commission received a copy of the IDEQ consent order.

AMENDED APPLICATION

In its Amended Application, Brian Water states that “another \$22.50 needs to be added to the monthly base rate” in order “to pay for ‘Nitrate Mitigation’ as ordered by the DEQ.” Application at 1. Brian Water states that the additional funds “will be used to pay the engineering fee and then pay for a new, deeper well.” *Id.* The Amended Application included a letter of agreement from a licensed professional engineering firm, JCLC, LLC, to complete the engineering work for the nitrate mitigation plan mandated by the IDEQ.

COMMISSION DECISION

1. Does the Commission wish to suspend Brian Water’s Application seeking authority to increase its monthly base rate for water service for a period of 30 days plus 5 months, pursuant to *Idaho Code* § 61-622?
2. Does the Commission wish to issue a Notice of Application and Modified Procedure with a 21-day comment period?



Neil Price
Deputy Attorney General