

DECISION MEMORANDUM

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

FROM: SCOTT WOODBURY
DEPUTY ATTORNEY GENERAL

DATE: JUNE 19, 2008

SUBJECT: CASE NO. EAG-W-08-01 (Eagle Water)
COMPLAINT – FLOATING FEATHER PARTNERS LLC

On June 19, 2008, Floating Feather Partners, LLC (Floating Feather) filed a complaint with the Idaho Public Utilities Commission (Commission) regarding the capability of Eagle Water Company to serve the Floating Feather Mobile Home Park (FFMHP; Mobile Home Park). The Mobile Home Park is located at 10601 Horseshoe Bend Road (Old Highway 55) in Ada County, Idaho and has 74 homes. The drinking water of the Mobile Home Park is contaminated with uranium and Floating Feather seeks another municipal water provider. The Mobile Home Park is presently under an Idaho Department of Environmental Quality (DEQ) Consent Order dated October 10, 2007 due to elevated levels of uranium in the Mobile Home Park's well. Floating Feather contends that the most effective and efficient solution to the contamination problem and for the long term provision of safe drinking water to the Mobile Home Park residents is connection to a municipal water source.

Floating Feather contends that the Mobile Home Park lies within the certificated area of Eagle Water Company (Certificate No. 278). Efforts to obtain service from Eagle Water has proved unsuccessful. Floating Feather contends that Eagle Water Company is under a present moratorium on new connections resulting from their own Consent Order placed upon them by DEQ regarding a lack of required redundancy in Eagle Water's system. Floating Feather contends that Mobile Home Park residents many of whom are lower income are confused and frustrated and believe they have no viable option but to continue to use and drink the contaminated water from the well. Given the apparent inability of Eagle Water Company to

presently serve the Mobile Home Park, Floating Feather requests that the Commission authorize service by United Water Idaho, which has a water main line on Horseshoe Bend Road directly adjacent to the Mobile Home Park. It is Floating Feather's belief that United Water represents the most expedient path to safe drinking water for its tenants. Floating Feather requests an expedited process to recertify the Mobile Home Park into United Water's certificated area and to allow for immediate connection.

COMMISSION DECISION

Staff recommends that a Show Cause Hearing in Case No. EAG-W-08-01 be set where Eagle Water Company should be required to demonstrate its capability of providing immediate service to the Mobile Home Park; or if incapable of doing so, why the Mobile Home Park should not be allowed to request service from United Water. Does the Commission agree with the recommended procedure?



Scott D. Woodbury
Deputy Attorney General

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