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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE COMPLAINT OF S&A BROWN CHARITABLE TRUST VERSUS EAGLE WATER COMPANY FOR FAILURE TO PROVIDE WATER SERVICE TO BONITA HILLS SUBDIVISION, AND REQUEST FOR ALTERNATE SERVICE PROVIDER. | ))))))) | CASE NO. EAG-W-98-1ORDER NO. 27834 |

On January 14, 1998, V. Scott Brown, Trustee for the S. A. Brown Charitable Trust (Trust) filed a letter with the Idaho Public Utilities Commission requesting Commission approval of a Trust request to obtain water service from United Water Idaho Inc. to the Bonita Hills Subdivision, a planned subdivision owned by the Trust.  The Bonita Hills Subdivision is located within the certificated service territory of Eagle Water Company.  The Trust represented that Eagle Water Company, despite repeated requests, had failed to provide service to Bonita Hills.

The Commission processed the Trust filing as a Complaint against Eagle Water Company, Case No. EAG-W-98-1.  Summons issued January 22, 1998.  An Answer was filed February 17, 1998.  An informal meeting of interested parties was held March 6, 1998.  The meeting resulted in a commitment by Eagle Water to serve the Bonita Hills Subdivision and to provide required and related information, studies or plans to the Idaho Division of Environmental Quality.

At the complainant’s request, the docket in Case No. EAG-W-98-1 was held open to ensure that Eagle Water followed through on its commitment to provide water service to Bonita Hills.  Pursuant to inquiry, the Commission Staff has been informed by John Runft, Attorney for the Trust, that Eagle Water is now providing water service to Bonita Hills.  It appears also that there are no present disputes between the Trust and Eagle Water over which the Commission has jurisdiction.  (Reference Idaho Code Title 61).  Consequently, Mr. Runft and Staff agree that it is now appropriate for the Commission to issue an Order closing the case docket.

COMMISSION FINDINGS

The Commission has reviewed the filings of record in Case No. EAG-W-98-1.  The Commission finds that this matter has been resolved without formal hearing.  The Commission appreciates the parties efforts in the resolution of this matter.  The Commission accordingly finds it appropriate to close the docket in Case No. EAG-W-98-1.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over Eagle Water Company, a water utility, and the issues presented in Case No. EAG-W-98-1 pursuant to Idaho Code Title 61 and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing, IT IS HEREBY ORDERED that the docket in Case No. EAG-W-98-1 is closed.

THIS IS A FINAL ORDER.  Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order.  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

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:EAG-W-98-1.sw

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

December 22, 1998