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31.36.01 – Policies and Presumptions for Small Water Companies

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**IDAPA 31
TITLE 36
CHAPTER 01**

31.36.01 – POLICIES AND PRESUMPTIONS FOR SMALL WATER COMPANIES

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, chapters 1 through 7, Title 61, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-501, 61-502, 61-503, 61-507, 61-508, 61-515, 61-520, and 61-523, Idaho Code, with regard to valuation and service. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

The name of this chapter is “Policies and Presumptions for Small Water Companies.” This chapter has the following scope: All small water companies created or certified after the effective date of these rules (November 1, 1987) are subject to the policies and presumptions of these rules. (7-1-93)

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).

Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (6-30-19)T

003. ADMINISTRATIVE APPEALS (RULE 3).

There are no administrative appeals under these rules because they are not procedural rules. If an issue should arise calling for a proceeding to apply these rules, that proceeding would be conducted under the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).

All correspondence with regard to these rules is a public record subject to inspection, examination and copying. (7-1-93)

005. DEFINITIONS (RULE 5).

As used in these rules, water utility, water company, or water corporation means a “water corporation” as defined by statute in Chapter 1, Title 61, Idaho Code, and orders of the Idaho Public Utilities Commission and decisions of the Supreme Court of Idaho construing those statutes. (7-1-93)

006. -- 100. (RESERVED)

101. SMALL WATER COMPANIES DEFINED (RULE 101).

Small water companies are water corporations as defined by the Public Utilities Law that: (7-1-93)

01. Gross Revenue. Have or anticipate not more than fifty thousand dollars (\$50,000) annual gross revenues from water operations, or (7-1-93)

02. Customer Base. Provide service to fewer than three hundred (300) customers or propose initially to provide service to fewer than three hundred (300) customers. (7-1-93)

102. CONSIDERATION OF ALTERNATIVE SERVICE (RULE 102).

The Commission may deny certificates for proposed new small water companies when it is shown that there is no need for the service or that another company (whether municipal, cooperative, or investor-owned) is willing and able to provide similar or better service. The Commission may deny certificates for proposed new small water companies whose creation or expansion is in violation of ordinance or resolution of cities, counties, or other local units of government or subdivisions of the state. (7-1-93)

103. PRESUMPTION OF CONTRIBUTED CAPITAL (RULE 103).

In issuing certificates for a small water company or in setting rates for a small water company, it will be presumed that the capital investment in plant associated with the system is contributed capital, i.e., that this capital investment will be excluded from rate base. (7-1-93)

104. -- 999. (RESERVED)

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