

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.36.01 – Policies and Presumptions for Small Water Companies

Who does this rule apply to?

All regulated small water companies that have or anticipate not more than fifty thousand dollars (\$50,000) annual gross revenues from water operations, or with fewer than 300 customers.

What is the purpose of this rule?

It is 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.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

- General legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal 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.

Who do I contact for more information on this rule?

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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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

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. (3-31-22)

004. (RESERVED)

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. (3-31-22)

006. -- 100. (RESERVED)

101. SMALL WATER COMPANIES DEFINED (RULE 101).

Small water companies are water corporations as defined by the Public Utilities Law that: (3-31-22)

01. **Gross Revenue.** Have or anticipate not more than fifty thousand dollars (\$50,000) annual gross revenues from water operations, or (3-31-22)

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. (3-31-22)

102. 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. (3-31-22)

103. -- 999. (RESERVED)