Table of Contents

31.36.01 - Policies and Presumptions for Small Water Companies

000. Legal Authority (Rule 0). 2
001. Title And Scope (Rule 1). 2
002. Written Interpretations Or Guidelines (Rule 2). 2
003. Administrative Appeals (Rule 3). 2
004. Public Records Act Compliance (Rule 4). 2
005. Definitions (Rule 5). 2
006. Citation (Rule 6). 2
007. Effective Date -- History Of Rules (Rule 7). 2
008. -- 100. (Reserved) 2
101. Small Water Companies Defined (Rule 101). 3
102. Consideration Of Alternative Service (Rule 102). 3
103. Presumption Of Contributed Capital (Rule 103). 3
104. -- 999. (Reserved) 3

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 OR GUIDELINES (RULE 2).
For rulemakings conducted before July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the order of proposed rulemaking and review of comments submitted in the order adopting these rules are maintained in the files of the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. For rulemakings conducted after July 1, 1993, written interpretations to these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking decision adopting these rules are published in the issues of the Idaho Administrative Bulletin proposing or adopting the rules. (7-1-93)

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. CITATION (RULE 6).
The official citation of these rules is IDAPA 31.36.01.000 et seq. For example, this rule is cited as IDAPA 31.36.01.006. In documents submitted to the Commission or issued by the Commission, however, these rules may be cited by their short title of Small Water Company Policies (SWCP) and the parenthetical rule number. For example, this rule may be cited as SWCP 6. (7-1-93)

007. EFFECTIVE DATE -- HISTORY OF RULES (RULE 7).
The Commission originally adopted these rules by General Order 174, effective November 1, 1987. They were most recently codified at IDAPA 31.F. They were readopted and reformatted by rulemaking decision in Docket Number 16-3601-9301, effective July 1, 1993. The history of rulemaking proceedings preceding the initiation of the publishing of the Idaho Administrative Bulletin and the Idaho Administrative Code is available from the Commission Secretary. (7-1-93)

008. -- 100. (RESERVED)

POLICIES AND PRESUMPTIONS FOR SMALL WATER COMPANIES

RULES 101 THROUGH 200

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)

Subject Index

C

Consideration Of Alternative Service,
Small Water Companies 3

D

Definitions, IDAPA 31.36.01 2

P

Presumption Of Contributed Capital,
Small Water Companies 3

S

Small Water Companies Defined 3
Customer Base 3
Gross Revenue 3