BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION OF BOISE WATER CORPORATION FOR APPROVAL OF AN AGREEMENT TO EXPAND FACILITIES IN SOUTHEAST BOISE AND TO AMEND AND REVISE CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 143. | )  )  )  )  )  )  ) | CASE NO. BOI-W-95-1  ORDER NO.  25972 |

On March 8, 1995, Boise Water Corporation filed an Application to enlarge its service territory in and around Boise.  On March 23, 1995, the Commission issued a Notice of Modified Procedure requesting that persons desiring to intervene in this case do so no later than April 3, 1995.  Sharon Ullman filed a timely Petition to Intervene.  Boise Water opposed her intervention.  As explained in greater detail below, we grant Ms. Ullman’s Petition to Intervene.(footnote: 1)

THE PETITION TO INTERVENE

In her Petition, Ms. Ullman asserts that she has a direct interest in this proceeding as a Boise Water customer.  She notes that she was an intervenor in Boise Water’s two previous rate cases and is familiar with the Company’s practices and operations.  She claims that this Application is not simply an expansion of the service territory but involves “a very large construction project” in southern Boise.  Consequently, the relationship between Boise Water, its construction operators, and others may affect the Company’s rates.

Boise Water urges the Commission to deny intervention.  The Company characterizes Ms. Ullman’s interest as relating to the Company’s bidding practices and its contractual relationship with its contractors.  The Company argues that these issues “are not relevant to the real issues involved in [the present] Application.”  The Company observes that these issues were addressed by the Commission less than 12 months ago.

The Company also maintains she has not identified a “direct and substantial interest in the proceeding” that would meet the necessary showing for intervention.  Because the Commission has initially decided to process this case under Modified Procedure, the Company maintains that Ms. Ullman is able to submit comments concerning the Application as is any other interested person.  Boise Water is concerned that granting intervention to discuss issues not directly pertinent to the present Application would “unduly broaden the issues and unreasonably delay the implementation of [the] expansion project.”  Opposition at 3.

DISCUSSION

After reviewing the intervention pleadings, we grant intervention status to Ms. Ullman.  As pointed out earlier, she has been an active participant in previous Boise Water cases.  We find: Ms. Ullman has shown a direct and substantial interest in this case at this time.  See Rules 73-74, IDAPA 31.01.01.073-74.  We need not address the merits of her specific arguments for purposes of granting intervention.  Having granted Ms. Ullman intervention, however, we do not intend to allow her intervention to unduly broaden the issues examined in this case.  Our Rule 74 permits the Commission to dismiss an intervenor from a proceeding if it later appears that the intervenor has no direct or substantial interest, or the intervention is not in the public interest.  As previously mentioned, this case is being processed under Modified Procedure with written comments specifically solicited from interested persons and parties.

O R D E R

IT IS THEREFORE ORDERED that Ms. Ullman’s Petition to Intervene is granted.  Accordingly, Boise Water’s Motion in Opposition is denied.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record.  For purposes of service, future pleadings should be filed upon:  Sharon Ullman, 9627 W. Desert Ave., Boise, Idaho 83709.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of  April 1995.

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**FOOTNOTES**

1:

Petitions to Intervene were also filed by Mr. Bob Walker and Iowa Beef Processors, Inc.  These Petitions were subsequently withdrawn.