

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** BRANDON KARPEN  
DEPUTY ATTORNEY GENERAL

**DATE:** APRIL 7, 2016

**SUBJECT:** JOINT STIPULATION AND MOTION TO FURTHER SUSPEND  
EFFECTIVE DATE, CASE NO. EAG-W-15-01

On November 10, 2015, Eagle Water Company filed an Application seeking authority to implement an immediate and temporary surcharge of 53.82% on customers' water usage in excess of 600 cubic feet per month. Eagle Water requested that its Application be processed via Modified Procedure and that the surcharge become effective upon Commission Order. On December 3, 2016, the Commission issued Order No. 33430, issuing notice of Eagle Water's Application, setting an intervention deadline, and suspending the proposed effective date for a period of 90 days, until March 10, 2016. On March 4, 2016, with Eagle Water's concurrence, Staff filed a Motion to further suspend the proposed effective date in this matter for an additional 90 days, until June 8, 2016. The Commission approved the Motion in Order No 33478.

Now pending before the Commission is a Joint Stipulation and Motion to further suspend the Application.

### STIPULATION

Staff and Eagle Water (the only parties to this action) are engaged in settlement discussions that could resolve the entire case. However, in spite of the parties' diligent work, they do not foresee reaching a resolution before the current suspension date of June 8, 2016. Accordingly, the parties agree that this case should be further suspended until September 6, 2016, pursuant to *Idaho Code* § 61-622(4), which allows the Commission to permanently or further suspend an effective date with the written consent of the applicant (provided).

In order to avoid a perpetual suspension of the case, Staff and Eagle Water have further agreed that by July 1, 2016, Eagle Water shall inform Staff of its position on settlement, or if the Company would rather set a schedule for Modified Procedure for the Application. If Eagle Water does not inform Staff of its position by July 1, 2016, the parties agree that the Application shall be considered automatically withdrawn and an Order dismissing the Application without prejudice should be issued.

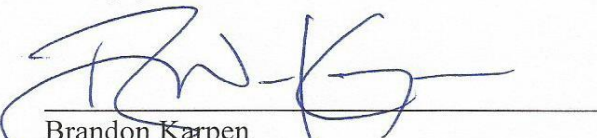
**MOTION**

The parties have moved for an Order from the Commission consistent with their Stipulation to suspend the effective date, and require notice by July 1, 2016, from Eagle Water of its position on proceeding with the Application.

**COMMISSION DECISION**

Does the Commission wish to suspend the proposed effective date for an additional 90 days, until September 6, 2016?

Does the Commission wish to order Eagle Water to notify Staff of its position on settlement or request proceeding on the underlying Application by July 1, 2016, and that, if Eagle Water fails to provide such notice, the underlying Application shall be considered automatically withdrawn and the Commission may issue an Order dismissing the Application without prejudice?



Brandon Karpen  
Deputy Attorney General

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