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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT  
APPLICATION OF SUEZ WATER  
IDAHO AND EAGLE WATER  
COMPANY FOR THE ACQUISITION OF  
EAGLE WATER COMPANY**

**CASE NOS. SUZ-W-18-02  
EAG-W-18-01**

**INTERVENOR CITIZENS  
ALLIED FOR INTEGRITY AND  
ACCOUNTABILITY'S  
COMMENTS ON JOINT  
APPLICATION FOR  
ACQUISITION**

COMES NOW Citizens Allied for Integrity and Accountability (“CAIA”) and provides public comment to the Idaho Public Utilities Commission (“IPUC”) in the above entitled proceeding.

**Background**

CAIA was granted leave to intervene as a party to this proceeding by IPUC Order 34229 on January 10, 2019. CAIA petitioned to intervene consistent with its mission to protect the public interest by preserving private property rights, public health, safety and critical natural resources. CAIA's mission is broad enough to include the current Joint Application, as they have

a direct interest in maintaining high quality water resources that adequately support both current users and future development in Eagle by maintaining local control of this most precious, irreplaceable resource and protecting citizens from drastic rate hikes. Petition to Intervene at p. 2. As a party, CAIA participated in this proceeding and conducted discovery on Suez Water Idaho ("Suez"). Eagle Water Company ("Eagle Water"), Suez and IPUC Staff submitted a Stipulation and Settlement on October 8, 2021. CAIA did not agree to the terms of the Stipulation and Settlement and submits the following comments for the IPUC to consider.

### **Mission of CAIA**

CAIA is an all-volunteer, non-partisan, non-profit 501(c)3 organization composed of interested people from all walks of life who are advocates for protecting public health and safety, property rights and natural resources for present and future generations of Idahoans. CAIA advocates for transparency of decisionmaking and accountability of decisionmakers at the local and state level.

### **Comments**

IPUC Rule 13 (IDAPA 31.01.01.013) states:

These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. Unless prohibited by statute, the Commission may permit deviation from these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest.

Liberal construction allows the PUC to consider the entire transaction before it. The transaction is not transparent, is not equitable and is not in the public interest. CAIA opposes the proposed acquisition for many reasons and believes that the Joint Petition should be denied pending a thorough exploration of the terms and impacts of the acquisition.

1. Rates. The IPUC has been tasked with determining just, reasonable and nondiscriminatory rates (Idaho Code § 61-502) as well as ensuring that public utilities “promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable” (Idaho Code § 61-302).

CAIA has expressed concern at the substantial rate increase and its impact on Eagle residents. The rate shock will be significant, as rates will increase over 200% for residential and over 300% for commercial customers. Joint Application, Attachment 3. While Eagle Water rates have not been raised in some time, the dramatic rate increase in proposed rates will be difficult for some customers. This is especially true given the consistently good quality of water that has been delivered over the years, at a reasonable price. It will be difficult for customers to understand the huge increase in their water bill, with no discernable increase in water quality or service. As discussed below, water and service quality may in fact decrease. Asking consumers to pay 200 or 300 percent more, for what they perceive to be the same or lower quality of service is not in their interest, nor is it just and reasonable. Little has been done to make Eagle Water users aware of the proposed acquisition and rate increase, let alone offer any explanation for its severity. A significant increase requires significant outreach and this has not been done.

a. Phase In. The phase in period has been raised from three to seven years and while this may alleviate some difficulty, the overall impact remains significant. As noted by this Commission in *Joint Application of United Water and South County Water*, Case No. UWI-W-98-2:

The difference in rates charged by South County and United Water has been the principal reason expressed by customers opposing the transaction. ... Although the Company has proposed a five-year transition, we find it reasonable to provide South County customers with a longer period up-front to assess their water usage, to possibly adjust their water consumption habits and to connect (if available) to other irrigation sources.

Order 27998, at p. 10.

The rate hike in the above cited case was over 100%. The rate hike in this case is double and triple that. Eagle Water customers require a longer period to absorb the new rates and adjust usage accordingly. The seven year phase in is more reasonable, but a longer period is necessary.

b. Surcharge Disbursement. Eagle Water and Suez entered into a Stipulation and Settlement, dated October 8, 2021, in which “The Parties recognize that, pursuant to Commission Order No. 34265 in Case No. EAG-W-15-01, Eagle Water Company has been required to set aside certain funds to be used for the benefit of customers.” Those funds are now proposed to be distributed inequitably.

Idaho Code § 61-301 requires that all rates and charges must be just and reasonable. Idaho Code § 61-315 prohibits preferential or discriminatory treatment of rate payers. A reasonable classification of customers may justify the setting of different charges and it follows that credits should be treated the same. Any difference in charges (or as in this case credits), should be justified by a classification of customers “that is based on such factors as cost of service, quantity of resource use, differences in the condition of service or in the time, nature or pattern of the customer use. *Building Contractors Ass’n v. Idaho PUC*, 128 Idaho 534, 537 (1996). The IPUC must explain the reasoning behind its discriminatory classification of customers in “order to ensure that the IPUC has applied the relevant criteria prescribed by statute or its own regulations and has not acted arbitrarily or capriciously.” *Id*, citing *Washington Water Power v. Idaho Pub. Util. Comm’n*, 101 Idaho 657, 565 (1980).

The surcharge funds of \$592,020.00 are to be divided and paid equally to customers “the Staff identifies as being entitled to the funds as of the date of the Commission Order approving

this Stipulation.” Stipulation and Settlement, p. 3. The method of determining entitlement is not described in the Stipulation. If entitlement depends on status as a customer on the date the Stipulation is approved, this is not fair or just and reasonable to those long time customers who may have discontinued service the day before approval, and it could provide an unjust windfall to those who are new customers the day after approval. Distribution based on customer status on the date of approval appears to be based only on convenience. Without further explanation and consideration of the factors required in considering different rate structures, the distribution in this case is not just and reasonable. Furthermore, without full public disclosure of how Staff deems customers entitled, the public is denied any opportunity to submit meaningful comment. Absent such disclosure, it is difficult to conclude that the disbursement of surcharge funds is in the public interest.

c. Impact on Low or Fixed Income Customers. Low income families pay a higher percentage of their income for utility expenses than those in other economic categories and the 200% rate hike will impact these customers disproportionately. Customers on fixed incomes will also suffer a greater impact.

CAIA is concerned that some customers will not be treated fairly and that the transaction will be disproportionately burdensome to low income and fixed income customers. According to the 2019 census, the poverty rate in Eagle is 5% and over 20% of Eagle residents are over the age of 65.<sup>1</sup> Six low income apartment complexes are located in Eagle.<sup>2</sup> Several assisted living facilities are located in this area as well. There are 1,549 veterans of 5 foreign wars living in Eagle and the overall poverty rate for those defenders of our freedom is 4.00% (62). Of those,

<sup>1</sup> <https://www.census.gov/quickfacts/fact/table/eaglecityidaho/LFE305219>

<sup>2</sup> <https://affordablehousingonline.com/housing-search/Idaho/Eagle>

21.69% (14) are living with disabilities.<sup>3</sup> Since the Eagle Water area contains many of the older, more modestly priced homes in Eagle we assume many of these residents live there on fixed or limited incomes and are served by Eagle Water.

If Suez acquires Eagle Water, the proposed rate hikes of 204% on residential customers and 303% on commercial customers would be an extreme hardship on these groups. Customer outreach has been inadequate and the impact of the rate increase on low and fixed income customers has not been addressed sufficiently to conclude that the rate hike will be just and reasonable.

2. Quality of Service. Eagle Water customers have enjoyed high quality water and local service response. This will change and it is doubtful that the change will be for the better.

a. Water Quality. CAIA advocates for the preservation of Eagle Water's high quality water which has served Eagle Water customers for decades without the mixing of surface water and addition of potentially harmful levels of chlorination as Suez proposes doing if they acquire this system. History shows that maintaining local control of water resources tends to encourage maintenance of water quality. Larger water systems, such as those currently operated by Suez, tend to sacrifice water quality for uniformity, and to achieve cost savings. The effect of such actions is to shift costs onto consumers/rate payers either directly or indirectly. CAIA believes that supporting the existing water system and exploring alternatives to merger would be in the public's best interest. Full operational integration of Eagle Water customers into the larger Suez system is troublesome.

Suez's standard practice of mixing groundwater with surface water across the Treasure Valley has been well documented and necessitates chemical treatments to their water systems in

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<sup>3</sup> <http://worldpopulationreview.com/us-cities/eagle-id-population/>

excess of the treatments currently applied by Eagle Water. Maintenance of multiple, smaller, local water systems ensures that water treatment is likewise localized, targeted to the needs of a particular system, rather than standardized across multiple sources and distribution systems.

Suez Water states that it will ‘Provide critical system disinfection for public safety’ (Joint Application, Attachment 3) as a benefit to Eagle Water customers if the acquisition is successful. Suez admits that this means chlorination of the system. Cooper Direct Testimony, p. 11. There is no documented need for such system disinfection in the Eagle Water system and “Chlorination is a requirement for water systems that have any surface water supply, so at a point where the SUEZ and Eagle Water systems are connected, chlorination will be required.” Suez Response to Staff Production Request No. 10. Water quality will suffer and risk will be increased by connecting to the Suez system.

For example, Exhibit 401 is a 2018 report of an environmental cross-contamination that occurred in Eagle from a Suez Water system (KIVI news story). Exhibits 402 and 403 document the environmental and health hazards of chlorine on human and animal populations.

By expanding the existing Suez water system, errors or flaws in that system would then have the potential to affect the thousands of households that would be added into the Suez system. This would constitute a new set of environmental risks for those customers that they do not presently face. By imposing these risks on consumers, Suez would essentially transfer the financial impact of those risks to others, resulting in ratepayers seeing both increased costs, and increased risk, while receiving more heavily treated and arguably lower quality water.

b. Local Control. CAIA has been a leading voice in advocating for local control of critical community resources like the water we drink, farm with and recreate in, the air we breathe and the soil that grows our food here in Idaho. As potable water resources shrink due

to erratic climate changes and unprecedented levels of industrial contamination both globally and in the Idaho, water is becoming an increasingly scarce and precious commodity. Likewise, growth in both residential and commercial demand for water in the Treasure Valley will put additional strain on existing water resources, and has already resulted in significant calls for the development of additional water capture and storage projects on area rivers. Allowing a multinational, for-profit entity to exercise full control over a precious, irreplaceable resource is not in the best interest of the public. Local control would maintain a high level of accountability to the local community. At present, Eagle Water is a local company, employing local workers for nearly all of its functions. Operations are conducted from an office in Eagle, Idaho. If Suez proceeds with its intended purchase, it cannot ensure that equally responsive and accountable structures are implemented so that Eagle Water customers are assured the same level of local accountability, local production, and local expenditures.

Local control of resources ensures that accountability for possible environmental harm also remains local. The separation of management activity from local accountability increases environmental risks to local communities, because it encourages the treatment of environmental impacts as externalities (costs imposed on external economies) rather than as genuine costs of doing business. Likewise, the avoidance of environmental accountability by corporate utilities imposes additional costs on rate payers above and beyond the rates paid, and divorces corporate profits from the real impacts of corporate conduct

3. Transparency. Public utilities serve the public and transparency is necessary. Consumers need to know who is profiting and who ultimately makes decisions regarding limited resources. This transaction has been far from transparent and many important details remain obscure. The public has been denied the opportunity to submit informed comments.



a. Eagle H2O Acquisition of Eagle Water. The transaction at hand is not transparent and significant details remain hidden. The acquisition, labeled an "Asset Purchase Agreement," is a three-party transaction. Eagle Water will transfer, for a yet to be disclosed price, all of Eagle Water's assets to an Wyoming corporation known as H2O Eagle. Acquisitions ("H2O Eagle"). H2O Eagle will then transfer all interests in the former Eagle Water assets to Suez for a stated compensation of ten million five hundred thousand dollars (\$ 10,500,000.00).

The terms of the District Court Settlement with the City of Eagle include, "Eagle Water Company and H2O Eagle Acquisition have agreed on an allocation between themselves that will fund the entire \$1.75M Settlement Payment out of their respective closing proceeds." Deshazo Supplemental Direct Testimony, p. 2. The terms of this allocation have not been disclosed.

The acquisition amount is not based on Eagle Water's rate base. This is both confusing and opaque, neither of which contribute to public understanding of the transactions. The value of Eagle Water assets, the cost of improvements, and the calculation of costs avoided by the acquisition, have all been done by Suez. It is difficult for the public to understand the fairness of the acquisition price without a public report, review, or even a summary, by an independent registered engineer.

Eagle Water and Suez customers do not know the terms of the sale or the terms of the settlement with H2O Eagle. Nor do they know the accuracy of the valuation of Eagle Water assets and costs submitted by Suez. As the terms are unknown, customers do not know who stands to profit at their expense, or by how much.

To further obscure the transaction, the officers of H2O Eagle are unknown as Wyoming, unlike Idaho, does not require corporate disclosure. The Wyoming Secretary of State's online filing data shows that H2O Eagle's corporate office shares the same address as it's registered

agent and organizer, Northwest Registered Agent Service.<sup>4</sup> A printed copy is attached as Exhibit 404. H2O Eagle, incorporated in May, 2018, appears to exist for the sole purpose of being a middleman in this transaction. The public has a strong interest in knowing why this transaction necessitated a middleman whose financial interest and profits from the proposed transaction remain obscure. Public confidence demands transparency to ensure that transactions costs will not be passed on to Eagle Water or Suez customers.

Furthermore, the lack of transparency allows any conflicts of interest to remain hidden. Full transparency is necessary to protect the public from self dealing, potential self dealing, or the appearance of self dealing. Public trust is required of public utilities.

Finally, it is unclear if current Eagle Water customers will be required to pay infrastructure costs for new customers. The controversial Avimor development is included in the Suez service area. Eagle Water customers need assurance that they will not be paying for development that will strain public resources.

b. Veolia Acquisition of Suez

This is not a simple two party transaction where Suez acquires Eagle Water. Rather, Veolia Environment SA (“Veolia”) acquires Suez, who acquires H2O Eagle, who acquires Eagle Water. This is a four party transaction or a dual, dual transfer. A member of the PUC staff stated at the public workshop on October 5, 2021, that this was the first dual transfer to come before the Commission. This transaction is not simple, not transparent and deserves far more scrutiny and public disclosure.

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<https://wyobiz.wyo.gov/Business/FilingDetails.aspx?eFNum=255244083220185078154194137159153040167037046252>

Veolia and Suez officially announced their merger in April, 2021, resolving a prolonged hostile takeover bid.<sup>5</sup> By undated letter (Exhibit 405) to the IPUC, Suez and Veolia informed the IPUC that with the upcoming merger Veolia would control all Suez subsidiaries, including Suez Idaho. Suez represents that Exhibit 405 was sent to the IPUC in late summer, 2021. It was not disclosed to CAIA and other intervenors until September 13, 2021. It does not appear that the merger has been publicly disclosed to Eagle Water customers.

Veolia's acquisition of Suez further reduces transparency of the transaction and complicates the questions regarding impacts on water quality and customer service. While denying any immediate changes to Suez Idaho operations, the letter makes it is clear that future operations will be controlled by Veolia:

At the conclusion of the Transaction, Veolia will own between just over 50% and all of the shares of SUEZ, giving it control of all SUEZ subsidiaries in the United States, including SUEZ Water Resources and SUEZ Water Idaho ... Over time, Veolia will assess the operations of SUEZ Water Idaho and determine whether any of its best practices, new technologies, and other innovations should be applied or implemented in order to improve service to customers, conserve valuable water resources, or increase operating efficiencies.

Until such time as Veolia, the ultimate water utility operator in this matter, is publicly disclosed the Application should be denied. Eagle Water customers deserve a more robust discussion of the transition from being served by one locally owned and operated plant to being one of 3,363 water plants worldwide. The public should be allowed to provide informed comments regarding the ultimate owner and operator of their water system and the impacts on local service.

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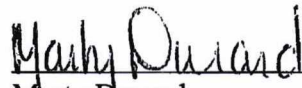
<sup>5</sup> <https://www.bloomberg.com/news/articles/2021-04-12/veolia-agrees-to-buy-suez-ending-bitter-takeover-battle>

In short, this is not, as the caption states, Suez Water acquiring Eagle Water. Rather, it is the acquisition by Veolia of Suez, Suez of H2O Eagle and H2O Eagle of Eagle Water. The Petition should be denied until such time as the public is made aware of the actual transactions involved and the IPUC can benefit from informed public comment resulting from greater disclosure. The public interest is best served by an informed and engaged public.

### **Conclusion**

This is not a simple or transparent transaction. The rate increase to Eagle Water customers is significant and combining Suez and Eagle Water systems will impact all Suez customers in the Treasure Valley. Water quality and customer service will likely suffer and the surcharge disbursement is not equitable or fair. The transactions are not transparent or in the public interest. The application should be denied.

Dated this 27<sup>th</sup> day of October, 2021

  
Marty Durand

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of October, 2021, a true and correct copy of the foregoing document was served on the following via electronic mail:

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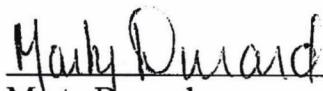
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Marty Durand

Case No. SUZ-W-18-02

Exhibit 401

Citizens Allied for Integrity and Accountability

Response to Suez First Request for Production 9



**KIVI BOISE**  
**ON YOUR SIDE**

# Residents in Eagle subdivision get sick from drinking irrigation water

Posted: 7:07 PM, Jul 31, 2018

Updated: 7:07 PM, Jul 31, 2018



By: Steve Dent



The Center District Health Department has received 20-25 reports of Eagle residents getting sick from the water in the Corrente Bello Subdivision, the CDHD said it was likely a gastrointestinal illness.

Suez water and residents discovered that irrigation water from a nearby canal made it into several homes in the subdivision and that people in the neighborhood were drinking contaminated water.

EXHIBIT

401



My fifteen-year-old was sick, I was sick, two of my daughters were sick," said Karen Howell who has eight children. "I ran a bath for two-year-old and the water was brown."

This neighborhood uses potable water for drinking, but they also have non-potable water that residents can use to water their lawns or their gardens, each home has what is called a backflow that acts as a fail safe to prevent the irrigation water from mixing in with the drinking water in the homes.

Suez Water discovered one backflow in the neighborhood that got installed backward and said that was the cause of tainting the water in several Corrente Bello homes.

"Since 2012 we have had three similar cases and in every case, it was the result of an improperly installed device by an unlicensed individual," said Marshall Thompson the general manager for Suez.

Suez said they don't install the backflow devices, those are the homeowner's responsibility, however, Suez said it is important to get the backflow installed by a licensed company and to get it checked every year.

Residents did have their complaints about Suez during this whole process, mainly because one neighbor called the water company on July 14 after discovering brown water.

Suez said they responded with a technician who flushed the lines to that home, but they said they didn't find low levels of chlorine, a red flag for contaminated water because Suez uses chlorine to treat drinking water.

Suez called this an isolated incident and said it's not out of the ordinary to call regarding brown water, the technician told the homeowner their water was safe.

Another neighbor called Suez back on July 18, this time around Suez did find low levels of chlorine and then discovered the improperly installed backflow device, then Suez flushed the system and collected samples to test the water.

"Overall we responded in a timely manner," said Thompson. "Unfortunately the water quality testing to verify the water sample takes two days to process."

On July 20 Suez alerted the residents that their water was safe, but they issued a boil advisory to let residents know that the water inside their homes was likely still contaminated.

Suez said the residents needed to flush their plumbing system, turn their water heater to the highest setting, boil any water they were using in the home until the system was flushed and replace all their water filters.

"We are out one hundred dollars in filters," said Howell who was about to take her fifteen-year-old to the hospital. "I know people who have medical bills that they have to pay and nobody says they are responsible for this, it is getting passed on to us."

Howell also had complaints because she wanted to know what kind of bacteria her family was drinking, Suez did not test the contaminated water until after they flushed the lines.

We asked Suez who the homeowner was that had the backflow device that caused the problem, they told us they would not give out that information in an effort to protect their customers.

For more information on what a backflow does [click here](#).

Case No. SUZ-W-18-02

Exhibit 402

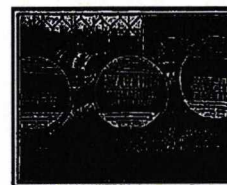
Citizens Allied for Integrity and Accountability

Response to Suez First Request for Production 9

## Chlorine - Cl

### Chemical properties of chlorine - Health effects of chlorine - Environmental effects of chlorine

Atomic number	17
Atomic mass	35.453 g.mol <sup>-1</sup>
Electronegativity according to Pauling	3.0
Density	3.21*10 <sup>-3</sup> g.cm <sup>-3</sup> at 20 °C
Melting point	-101 °C
Boiling point	-34.6 °C
Vanderwaals radius	0.127 nm
Ionic radius	0.184 (-2) nm ; 0.029 nm (+6)
Isotopes	4
Electronic shell	[Ne] 3s <sup>2</sup> 3p <sup>5</sup>
Energy of first ionisation	1255.7 kJ.mol <sup>-1</sup>
Energy of second ionisation	2298 kJ.mol <sup>-1</sup>
Energy of third ionisation	3822 kJ.mol <sup>-1</sup>
Standard potential	-1.36 V
Discovered by	Carl Wilhelm Scheele in 1774



## Chlorine

Discovered in 1774 by Carl Wilhelm Scheele, who mistakenly thought it contained oxygen. Chlorine was given its name in 1810 by Humphry Davy, who insisted that it was in fact an element.

The pure chemical element has the physical form of a diatomic green gas. The name chlorine is derived from chloros, meaning green, referring to the color of the gas. Chlorine gas is two and one half times as heavy as air, has an intensely disagreeable suffocating odor, and is exceedingly poisonous. In its liquid and solid form it is a powerful oxidizing, bleaching, and disinfecting agent.

This element is a part of the halogen series forming salts. It is extracted from chlorides through oxidation and electrolysis. Chlorine gas is greenish-yellow and combines readily with nearly all other elements.

### Applications

Chlorine is an important chemical in water purification, in disinfectants, in bleach and in mustard gas.

Chlorine is also used widely in the manufacture of many products and items directly or indirectly, i.e. in paper product production, antiseptic, dyestuffs, food, insecticides, paints, petroleum products, plastics, medicines, textiles, solvents, and many other consumer products. It is used to kill bacteria and other microbes from drinking water supplies.

Chlorine is involved in bleaching wood pulp for paper making, bleach is also used industrially to remove ink from recycle paper.

Chlorine often imparts many desired properties in an organic compound when it is substituted for hydrogen (synthetic rubber), so it is widely used in organic chemistry, in the production of chlorates, chloroform, carbon tetrachloride, and in the bromine extraction.

### Chlorine in the environment

In nature it is only found combined with other elements chiefly sodium in the form of common salt (NaCl), but also in carnallite, and sylvite. Chlorides make up much of the salt dissolved in the earth's oceans: about 1.9 % of the mass of seawater is chloride ions.

The amount of chloride in soils varies according to the distance from the sea. The average in top soils is about 10 ppm. Plants contain various amount of chlorine; it is an essential micronutrient for higher plants where it concentrates in the chloroplasts. Growth suffers if the amount of chloride in the soil fall below 2 ppm, but it rarely happens. The upper limit of tolerance varies according to the crop.

## Health effects of chlorine

Chlorine is a highly reactive gas. It is a naturally occurring element. The largest users of chlorine are companies that make ethylene dichloride and other chlorinated solvents, polyvinyl chloride (PVC) resins, chlorofluorocarbons, and propylene oxide. Paper companies use chlorine to bleach paper. Water and wastewater treatment plants use chlorine to reduce water levels of microorganisms that can spread disease to humans (disinfection).

Exposure to chlorine can occur in the workplace or in the environment following releases to air, water, or land. People who use laundry bleach and swimming pool chemicals containing chlorine products are usually not exposed to chlorine itself. Chlorine is generally found only in industrial settings.



Case No. SUZ-W-18-02

Exhibit 403

Citizens Allied for Integrity and Accountability

Response to Suez First Request for Production 11

# SCIENTIFIC AMERICAN.

THE SCIENCES MIND HEALTH TECH SUSTAINABILITY EDUCATION VIDEO PODCASTS BLOGS PUBLICATIONS

## HEALTH

### Tapped Out?: Are Chlorine's Beneficial Effects in Drinking Water Offset by Its Links to Cancer?

Although chlorine is widely used as an effective way to disinfect drinking water, researchers are concerned that it can lead to bladder, rectal and breast cancers

**Dear EarthTalk: I am very concerned about the amount of chlorine in my tap water. I called my water company and they said it is safe just let the tap run for awhile to rid the smell of the chlorine. But that just gets rid of the smell, perhaps, not the chlorine?**

—Anita Frigo, Milford, Conn.

Thousands of American municipalities add chlorine to their drinking water to get rid of microbes [CORRECTED ACCORDING TO EARTHTALK E-MAIL]. But this inexpensive and highly effective disinfectant has a dark side. “Chlorine, added as an inexpensive and effective drinking water disinfectant, is also a known poison to the body,” says Vanessa Lausch of filter manufacturer Aquasana. “It is certainly no coincidence that chlorine gas was used with deadly effectiveness as a weapon in the First World War.” The gas would severely burn the lungs and other body tissues when inhaled, and is no less powerful when ingested by mouth.

Lausch adds that researchers have now linked chlorine in drinking water to higher incidences of bladder, rectal and breast cancers. Reportedly chlorine, once in water, interacts with organic compounds to create trihalomethanes (THMs)—which when ingested encourage the growth of free radicals that can destroy or damage vital cells in the body. “Because so much of the water we drink ends up in the bladder and/or rectum, ingestions of THMs in drinking water are particularly damaging to these organs,” says Lausch.

The link between chlorine and bladder and rectal cancers has long been known, but only recently have researchers found a link between common chlorine disinfectant and breast cancer, which affects one out of every eight American women. A recent study conducted in Hartford, Connecticut found that women with breast cancer have 50-60 percent higher levels of organochlorines (chlorine by-products) in their breast tissue than cancer-free women.

But don't think that buying bottled water is any solution. Much of the bottled water for sale in the U.S. comes from public municipal water sources that are often treated with, you guessed it, chlorine. A few cities have switched over to other means of disinfecting their water supplies. Las Vegas, for example, has followed the lead of many European and Canadian cities in switching over to harmless ozone instead of chlorine to disinfect its municipal water supply.

As for getting rid of the chlorine that your city or town adds to its drinking water on your own, theories abound. Some swear by the method of letting their water sit for 24 hours so that the chlorine in the glass or pitcher will off-gas. Letting the tap run for awhile is not likely to remove any sizable portion of chlorine, unless one were to then let the water sit overnight before consuming it. Another option is a product called WaterYouWant, which looks like sugar but actually is composed of tasteless antioxidants and plant extracts. The manufacturer claims that a quick shake of the stuff removes 100 percent of the chlorine (and its odor) from a glass a tap water. A year's supply of WaterYouWant retails for under \$30.

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Of course, an easier way to get rid of chlorine from your tap water is by installing a carbon-based filter, which absorbs chlorine and other contaminants before they get into your glass or body. Tap-based filters from the likes of Paragon, Aquasana, Kenmore, Seagull and others remove most if not all of the chlorine in tap water, and are relatively inexpensive to boot.

**CONTACTS:** Aquasana, [www.aquasana.com](http://www.aquasana.com); WaterYouWant, [www.wateryouwant.com](http://www.wateryouwant.com).

**EarthTalk is produced by E/The Environmental Magazine. SEND YOUR ENVIRONMENTAL QUESTIONS TO:** EarthTalk, P.O. Box 5098, Westport, CT 06881; [earthtalk@emagazine.com](mailto:earthtalk@emagazine.com).

Case No. SUZ-W-18-02

Exhibit 404

Citizens Allied for Integrity and Accountability

Wyoming Secretary of State





Wyoming Secretary of State  
2020 Carey Avenue  
Suite 700  
Cheyenne, WY 82002-0020  
Ph. 307-777-7311

For Office Use Only

WY Secretary of State  
FILED: May 14 2018 11:05AM  
Original ID: 2018-000803518

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## Limited Liability Company Articles of Organization

**I. The name of the limited liability company is:**

H2O Eagle Acquisition LLC

**II. The name and physical address of the registered agent of the limited liability company is:**

Northwest Registered Agent Service, Inc.  
30 N Gould St Ste N  
Sheridan, WY 82801

**III. The mailing address of the limited liability company is:**

30 N Gould St Ste N  
Sheridan, WY 82801

**IV. The principal office address of the limited liability company is:**

30 N Gould St Ste N  
Sheridan, WY 82801

**V. The organizer of the limited liability company is:**

Northwest Registered Agent Service, Inc.  
30 N Gould St Ste N Sheridan, WY 82801

Signature:

*Morgan Noble*

Date: 05/14/2018

Print Name:

Morgan Noble

Title:

Authorized Individual

Email:

compliance@northwestregisteredagent.com

Daytime Phone #:

(509) 768-2249

EXHIBIT

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Wyoming Secretary of State

2020 Carey Avenue  
Suite 700  
Cheyenne, WY 82002-0020  
Ph. 307-777-7311

- I am the person whose signature appears on the filing; that I am authorized to file these documents on behalf of the business entity to which they pertain; and that the information I am submitting is true and correct to the best of my knowledge.
- I am filing in accordance with the provisions of the Wyoming Limited Liability Company Act, (W.S. 17-29-101 through 17-29-1105) and Registered Offices and Agents Act (W.S. 17-28-101 through 17-28-111).
- I understand that the information submitted electronically by me will be used to generate Articles of Organization that will be filed with the Wyoming Secretary of State.
- I intend and agree that the electronic submission of the information set forth herein constitutes my signature for this filing.
- I have conducted the appropriate name searches to ensure compliance with W.S. 17-16-401.

**Notice Regarding False Filings: Filing a false document could result in criminal penalty and prosecution pursuant to W.S. 6-5-308.**

**W.S. 6-5-308. Penalty for filing false document.**

(a) A person commits a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand dollars (\$2,000.00), or both, if he files with the secretary of state and willfully or knowingly:

(i) Falsifies, conceals or covers up by any trick, scheme or device a material fact;

(ii) Makes any materially false, fictitious or fraudulent statement or representation; or

(iii) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

- I acknowledge having read W.S. 6-5-308.

Filer is:  An Individual  An Organization

The Wyoming Secretary of State requires a natural person to sign on behalf of a business entity acting as an incorporator or organizer. The following individual is signing on behalf of all Organizers or Incorporators.

**Filer Information:**

**By submitting this form I agree and accept this electronic filing as legal submission of my Articles of Organization.**

Signature: Morgan Noble Date: 05/14/2018

Print Name: Morgan Noble

Title: Authorized Individual

Email: compliance@northwestregisteredagent.com

Daytime Phone #: (509) 768-2249

2021

# Limited Liability Company Annual Report

Due on or Before: May 1, 2021  
 ID: 2018-000803518  
 State of Formation: Wyoming  
 License Tax Paid: \$50.00  
 AR Number: 06201682

For Office Use Only

Wyoming Secretary of State  
 Herschler Bldg East, Ste.100 & 101, Cheyenne, WY  
 82002-0020  
 307-777-7311  
<https://wyobiz.wyo.gov/Business/AnnualReport.aspx>

## H20 Eagle Acquisition LLC

### 1: Mailing Address

30 N Gould St Ste N  
 Sheridan, WY 82801

Current Registered Agent:

Northwest Registered Agent Service, Inc.  
 30 N Gould St Ste N  
 Sheridan, WY 82801

### 2: Principal Office Address

30 N Gould St Ste N  
 Sheridan, WY 82801

• Please review the current Registered Agent information and, if it needs to be changed or updated, complete the appropriate Statement of Change form available from the Secretary of State's website at <http://soswy.state.wy.us>

Phone: (509) 768-2249

Email: [compliance@northwestregisteredagent.com](mailto:compliance@northwestregisteredagent.com)

I hereby certify under the penalty of perjury that the information I am submitting is true and correct to the best of my knowledge.

Morgan Noble  
 \_\_\_\_\_  
 Signature

Morgan Noble  
 \_\_\_\_\_  
 Printed Name

April 21, 2021  
 \_\_\_\_\_  
 Date

**The fee is \$50 or two-tenths of one mill on the dollar (\$.0002), whichever is greater.**

### Instructions:

1. Complete the required worksheet.
2. Sign and date this form and return it to the Secretary of State at the address provided above.

Case No. SUZ-W-18-02

Exhibit 405

Citizens Allied for Integrity and Accountability

Suez Objection to CAIA First Production Request, Exhibit 1

Commissioner Paul Kjellander  
Commissioner Kristine Raper  
Commissioner Eric Anderson

Jan Noriyuki  
Commission Secretary

Terri Carlock  
Administrator, Utilities Division

Idaho Public Utilities Commission  
PO Box 83720  
Boise, Idaho 83720-0074  
11331 W Chinden Blvd. Building 8, Suite 201-A  
Boise, ID 83714

RE: Merger - Veolia and SUEZ

Dear Commissioners:

This letter is submitted jointly by Veolia Environment SA (“Veolia”), a French *société anonyme* and Veolia North America, Inc. a Delaware corporation and wholly-owned subsidiary of Veolia (“Veolia North America”), SUEZ SA, a French *société anonyme* (“SUEZ”), SUEZ Water Resources LLC, a Delaware limited liability company and parent company for all regulated entities in the United States (“SUEZ Water Resources”), and SUEZ Water Idaho Inc., an Idaho corporation and wholly-owned subsidiary of SUEZ Water Resources (“SUEZ Water Idaho”).

In this letter we are providing a joint notice of the merger of Veolia and SUEZ through a transaction in which Veolia will acquire a majority or all of the outstanding shares of SUEZ through a public tender offer overseen by the French stock market regulatory authority (*Autorité des marchés financier*, or “AMF”). The entities executed a Combination Agreement on May 14, 2021, which sets forth the terms and conditions of the combination of the two companies through the acquisition of SUEZ’s shares via an improved public tender offer filed with the AMF (the “Transaction”).

Veolia, headquartered in Paris, France, is a leading expert in water cycle management, from producing and supplying drinking water to collecting, treating, recovering and recycling wastewater. Through its entities and subsidiaries around the world, Veolia manages 3,362 water production plants and manages 2,737 wastewater treatment plants. Veolia North America is a leading provider of operations management and maintenance services for drinking water and wastewater systems via partnerships with municipal entities.

SUEZ is also headquartered in Paris, France. Its primary business activities include: (1) water management and technology services, including operating municipal water facilities and the manufacturing of water treatment systems, and (2) waste management services, including general waste management, hazardous waste treatment, and other environmental solutions for

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industrial and municipal customers. Globally in 2019, SUEZ had more than 80,000 employees worldwide and has operations in all fifty states of the United States, including Idaho. SUEZ Water Resources is the parent company of all of SUEZ's regulated water utilities in the United States, including SUEZ Water Idaho.

SUEZ Water Idaho is a public utility water corporation within the meaning of Idaho public utility statutes, and is duly organized and exists under the laws of the State of Idaho. Its principal place of business is 8248 West Victory Road, Boise, Idaho 83709. SUEZ Water Idaho provides water service to approximately 99,000 customers within its certificated service area in the greater Boise metropolitan area pursuant to Certificate of Public Convenience and Necessity No. 143, as amended.

Veolia and SUEZ have been global leaders in water resource management for over 150 years. By combining the strengths of the two companies, Veolia seeks to cement itself as a global leader in the water and waste management sectors to lead the market in ecological issues and better compete in the global marketplace. By combining the expertise and commercial offerings of both companies in water treatment and water storage, Veolia will accelerate the development of future technological solutions, create value for all stakeholders (including employees, local authorities, customers, and shareholders). Further, Veolia will be able to leverage the combined experience and intellectual capability of the two companies to meet future challenges, including increasing demand for clean water, climate change, and, as demonstrated by the past year, the threats posed by COVID-19 and future potential widespread health crises.

The Combination Agreement provides for Veolia to increase its tender offer for SUEZ's outstanding shares (the "Improved Tender Offer"). Veolia and SUEZ expect the AMF to approve the Improved Tender Offer in late July, after which holders of SUEZ shares will have an opportunity to sell their shares to Veolia at the specified price. This opportunity is expected to continue into November-December 2021. After the AMF reviews and makes public the results of the Improved Tender Offer, Veolia will purchase the shares and pay the holders of those shares, thereby consummating the Transaction. In accordance with French securities law, some additional steps may be taken to allow Veolia to acquire up to 100% of the outstanding shares of SUEZ. The entire Transaction is expected to be completed before the end of the year.

At the conclusion of the Transaction, Veolia will own between just over 50% and all of the shares of SUEZ, giving it control of all SUEZ subsidiaries in the United States, including SUEZ Water Resources and SUEZ Water Idaho. Importantly, there will not be any diminution in the service presently provided by SUEZ Water Idaho to its customers. Moreover, there will not be any immediate changes to SUEZ Water Idaho operations and activities as a result of the Transaction. Over time, Veolia will assess the operations of SUEZ Water Idaho and determine whether any of its best practices, new technologies, and other innovations should be applied or implemented in order to improve service to customers, conserve valuable water resources, or increase operating efficiencies. For example, for the City of Buffalo, New York, Veolia automated the monitoring of the distribution network and treatment plant, improved customer service and call center operations, implemented new asset management and maintenance programs, and developed a process control management plan to schedule and track preventative


maintenance. Veolia also will call upon its worldwide team of experts to help identify, evaluate, and ameliorate system vulnerabilities, if any, and increase the resilience of the water supply system.

Further, the financing for the Transaction will not affect SUEZ Water Idaho water utility customers because no Transaction costs will be allocated to the utility. Veolia also will continue the mechanisms put in place by SUEZ to protect the regulated utilities and their customers from any financial risks associated with the operations and activities of other affiliates and subsidiaries.

The planned acquisition by Veolia of SUEZ does not require Commission approval under the provisions of Idaho Code § 61-328, or any other section of Title 61, since SUEZ is not an electric utility, and since this Transaction involves parent companies far removed from SUEZ Water Idaho, and which are not regulated public utilities under the Idaho public utility law, and since no change is being sought to the Certificate of Public Convenience and Necessity for SUEZ Water Idaho. In the past there have been at least three occasions where there have been upstream changes in stock ownership of one or more of the parent companies of SUEZ Water Idaho, including as recently as 2019. In each of those instances SUEZ provided the Commission with notice of the change in stock ownership of the upstream parent company. In none of those instances was a formal proceeding initiated before the Commission.

If you have any questions or if additional information is needed, please contact either of us.

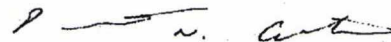
Sincerely,



Albert Barker

Barker Rosholt & Simpson LLP

Local counsel for Veolia



Preston Carter

Givens Pursley LLP

Local counsel for SUEZ Water Idaho