

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT APPLICATION OF SUEZ WATER IDAHO, INC., TO ACQUIRE EAGLE WATER COMPANY))))))	CASE NOS. SUZ-W-18-02 EAG-W-18-01 ORDER NO. 35463
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On February 18, 2022, Suez Water Company (“SUEZ” or “Company”) asked the Commission for an Errata (“Petition”) deleting the phrase, “and costs associated with the district court case” from Final Order No. 35247 at 8. Petition at 2. The Company requested alternatively that the Commission issue an order noting that the phrase was erroneous, “not legally operative and that the terms of the approved Settlement govern.” *Id.* at 3.

We now issue this Order denying the Company’s Petition.

BACKGROUND

On December 9, 2021, the Commission issued Order No. 35247 approving the acquisition of Eagle Water Company’s assets by SUEZ Water Idaho as described in the Settlement.

THE PETITION

The Petition notes that in the section of Order No. 35247 titled “Staff Comments” a sentence reads “[t]he stipulated acquisition adjustment removes customer communications and costs associated with the district court case.” Order No. 35247 at 8. The Company contends that this is an error and expresses its concern that while it is confident the language is not legally effective, it is uncertain if a third-party auditor would require specific accounting treatment that removes costs associated with the district court case from the acquisition adjustment based on this language. SUEZ requests that the Commission (1) issue an errata deleting “and costs associated with the district court case” from the sentence “[t]he stipulated acquisition adjustment removes customer communications and costs associated with the district court case;” or (2) issue an order noting that the phrase is not legally effective and the terms of the approved Settlement apply. Petition at 3.

The Company notes that Order No. 35247 correctly states “IT IS HEREBY ORDERED that the acquisition of Eagle Water Company’s assets by SUEZ Water Idaho is approved as described in the Settlement...” in the ordering language. (emphasis in original). However, due to concerns that third-party auditor may require accounting treatment that removes the district court

costs the Company would like confirmation from the Commission that the language in Staff's comments is not controlling.

STANDARD OF REVIEW

Any person may petition the Commission to clarify an order under Commission Rule of Procedure 325, IDAPA 31.01.01.325. Rule 325 permits clarification of an order (final or interlocutory), either based on a petition or on the Commission's own motion, IDAPA 31.01.01.325. Petitions for clarification do not suspend or toll the timing requirements for petitions for reconsideration. Petitions for clarification may be combined with petitions for reconsideration.

COMMISSION DECISION AND FINDINGS

We deny SUEZ' Petition for an Errata in this case. We note that SUEZ had an opportunity to seek reconsideration or clarification during the 21-day reconsideration period immediately following the issuance of Order No. 35247. In SUEZ' Petition we are asked to strike the portion of a sentence from a section of Order No. 35247 that describes Staff's comments. We note that the recitation of Staff's comments is not controlling for purposes of our Order. The areas of Order No. 35247 that contain legally operative language are the "Commission Discussion and Findings" and "Order" sections. Order No. 35247 correctly approved the Settlement as filed.

ORDER

IT IS HEREBY ORDERED that SUEZ' petition for an errata is denied. The "Commission Discussion and Findings" and "Order" sections of Order No. 35247 correctly approved the Settlement as filed when it was issued on December 9, 2021.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within 21 days of the service date of this Order. Within seven days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

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DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 14th day of July 2022.



ERIC ANDERSON, PRESIDENT

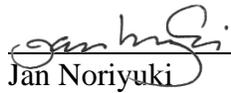


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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