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IDAHO PUBLIC
UTILITIES COMMISSION

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**

**ANSWER TO PETITIONS FOR
INTERVENTION**

Pursuant to the Rules of Procedure of the Idaho Public Utilities Commission, IDAPA 37.01.01.075 & 37.01.01.57.03, SUEZ Water Idaho Inc. (“SUEZ”) files this Answer to the Petitions to Intervene filed by Eagle Water Customer Group and Citizens Allied for Integrity and Accountability.

BACKGROUND

The Application. The Application seeks approval of SUEZ’s acquisition of Eagle Water Company’s water service assets, amendment of SEUZ’s certificate of public convenience and necessity to incorporate Eagle Water Company’s (“Eagle Water”) service area and customers, approval of certain rate and ratemaking matters, and a rate increase for current Eagle Water customers.

City of Eagle. Many, if not all, of Eagle Water Company’s customers reside within the City of Eagle. The City of Eagle asserts that it has requested intervention to assert and advance the interests of its residents. Petition to Intervene of City of Eagle at 2.

City of Boise. Many current SUEZ customers live in the City of Boise. The City of Boise asserts that it has requested intervention to ensure its SUEZ-served residents will not be impacted financially, and to ensure SUEZ’s level of service is maintained. City of Boise City Petition to Intervene (“Boise Petition”) at 2.

Community Action Partnership Association of Idaho. Community Action Partnership Association of Idaho (“CAPAI”), an established 501(c)(3) non-profit corporation and frequent participant in Commission proceedings, requested to intervene as an organization that “specifically represent[s] public utilities’ low-income customers.” CAPAI’s Petition to Intervene at 2. CAPAI asserts, among other things, its interest in ensuring the transaction “will not be disproportionately burdensome to all low income customers affected,” and that CAPAI’s history as the “primary low income advocate appearing before the Commission” places it “in a favorable position to provide educated input regarding low income interests and the interests of the majority of joint applicant’s ratepayers.” *Id.* at 3.

Eagle Water Customer Group. Eagle Water Customer Group (“EWCG”), asserts that it is an “unincorporated nonprofit association” composed of “ratepayers, taxpayers, and concerned citizens, including customers of one of the Applicants, Eagle Water Company” that was formed specifically “to oppose and respond to the proposed acquisition.” EWCG’s Petition to Intervene (“EWCG Petition”) at 2-3. EWCG alleges, without explanation, that “[n]o other party can adequately represent the interests of EWCG.” *Id.* EWCG does not, however, identify how many members it has, the class of persons that it purports to represent (beyond “ratepayers, taxpayers, and concerned citizens”), or any contributions to the Commission’s deliberations EWCG might provide, or beyond what the City of Eagle, the City of Boise, CAPAI, or Citizens Allied for Integrity and Accountability might provide (discussed below).

Citizens Allied for Integrity and Accountability. Citizens Allied for Integrity and Accountability (“CAIA”) has petitioned to intervene. CAIA’s Petition to Intervene (“CAIA Petition”). As with EWCG, CAIA alleges that it is composed of “ratepayers, taxpayers, and concerned citizens, including customers of one of the Applicants, Eagle Water Company.” CAIA Petition at 2. CAIA asserts that it is a preexisting advocacy group whose mission “is broad enough to include the current Petition” because its members have an interest in maintaining high quality water resources that adequately support current users and future development in Eagle, in maintaining local control of resources, and protecting citizens from rate hikes. *Id.* at 2. In addition to its asserted “interest in maintaining high quality water resources,” CAIA asserts its members stand to be impacted from “possible environmental harms stemming from the merger,” and that the proposed phased-in rate increase threatens to impose substantial financial hardship on Eagle Water customers who are single parents, elderly or living with disabilities on fixed and limited incomes. Similarly, without support, CAIA asserts that “[n]o other party can adequately represent the interests of CAIA.” *Id.* Like EWCG, CAIA does not identify how many members it has, the class of persons that it purports to represent (as with EWCG, beyond “ratepayers, taxpayers, and concerned citizens”), or what contributions it will provide that are different from the other intervenors.

ANSWER

SUEZ does not object to the intervention of the City of Boise, the City of Eagle, or CAPAI, provided that their participation does not unduly broaden the scope of this proceeding.¹

¹ While CAPAI is a seasoned and credible intervenor, CAPAI’s Petition to Intervene suggests that it may attempt to re-examine existing low-income assistance programs. CAPAI’s Petition to Intervene at 3. Any broad reexamination of SUEZ’s low-income programs affecting all SUEZ customers would unduly broaden the issues in this case, and should instead take place in SUEZ’s next general rate case. SUEZ intends to extend its existing low-income assistance programs to Eagle Water customers who become SUEZ customers as a result of the transaction at issue here.

EWCG and CAIA present a more difficult case. Each purports to represent the same “ratepayers, taxpayers, and concerned citizens, including customers of one of the Applicants, Eagle Water Company.” EWCG Petition at 2-3; CAIA Petition at 2. Neither identifies a unique interest or class of ratepayers it seeks to represent; neither identifies how it will contribute to *relevant* issues in a manner distinct from the Cities or CAPAI; and neither backs up its assertion that no other party will adequately represent its interests. Further, there appears to be at least some overlap between the two groups’ membership. For example, the business address for EWCG shown in the EWCG Petition is the address of CAIA’s president. *Compare* EWCG Petition at 1 (listing its business address as 8770 W. Chaparral Road, Eagle Idaho 83616) *with* CAIA’s Annual Report Form with the Idaho Secretary of State, attached as Exhibit 1 (listing Shelley Brock as President and Registered Agent with an address of 8770 W. Chaparral Road, Eagle Idaho 83616).

That said, at this time SUEZ does not have enough factual information to formally oppose EWCG or CAIA’s requests. SUEZ reserves the right to seek dismissal of either or both of these groups if, at a later time, it appears that they do not have a direct or substantial interest, or that they will not uniquely contribute to the case. *See* IDAPA 31.01.01.074 (“If it later appears that an intervenor has no direct or substantial interest in the proceeding, or that the intervention is not in the public interest, the Commission may dismiss the intervenor from the proceeding.”). SUEZ also notes that these groups’ participation cannot be allowed to unduly broaden the proceeding. *Id.* (“If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the Commission or the presiding officer will grant intervention, subject to reasonable conditions.”).

SUEZ also notes that costs of intervention are chargeable to the class of customers represented by the intervenors. IDAPA 31.01.01.165.03. Here, three groups of intervenors, that appear to have significant (if not complete) overlap of members and interests, would separately impose intervenor funding costs onto the approximately 4,200 EWC customers.

REQUEST FOR RELIEF

SUEZ respectfully requests that:

- 1) The Petitions to Intervene of the City of Eagle and the City of Boise City be granted;
- 2) The Petition to Intervene of CAPAI be granted, subject to the condition that any re-examination of SUEZ's low-income assistance program for all SUEZ customers is not an issue in this proceeding;
- 3) The Petitions of EWCG and CAIA be granted conditionally, subject to a later determination as to whether their intervention is in the public interest.

DATED this 3rd day of January, 2019.

SUEZ Water Idaho Inc.

By: 

Michael C. Creamer

Givens Pursley LLP

Attorneys for SUEZ Water Idaho Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of January, 2019, a true and correct copy of the foregoing document was served on the following in the manner indicated:

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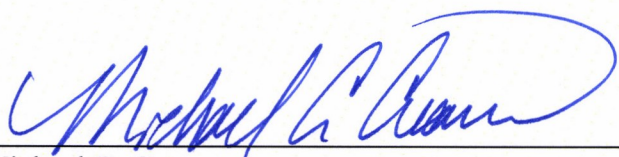
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EXHIBIT 1

No. C 206105 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 <p style="text-align: center;">NO FILING FEE IF RECEIVED BY DUE DATE</p>	<p>Due no later than Jun 30, 2018</p> <p>Annual Report Form</p> <p>1. Mailing Address: Correct in this box if needed.</p> CITIZENS ALLIED FOR INTEGRITY AND ACCOUNTABILITY, INC. C.A.I.A. PO BOX 2622 EAGLE ID 83616	2. Registered Agent and Address (NO PO BOX) SHELLEY BROCK 8770 W CHAPPARRAL RD EAGLE ID 83616 3. <u>New</u> Registered Agent Signature: *					
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).							
	Office Held	Name	Street or PO Address	City	State	Country	Postal Code
	DIRECTOR	JULIE FUGATE	1861 NW 24TH ST.	FRUITLAND	ID	USA	83616
	DIRECTOR	LEE TURNER	1399 WEST NEWFIELD DR.	EAGLE	ID	USA	83616
	PRESIDENT	SHELLEY BROCK	8770 CHAPARRAL RD	EAGLE	ID	USA	83616
	TREASURER	ELIZABETH ROBERTS	1351 N MANSFIELD PL	EAGLE	ID	USA	83616
	SECRETARY	SHERRY GORDON	PO BOX 1091	EMMETT	ID	USA	83617
5. Organized Under the Laws of: <p style="text-align: center;">ID C 206105</p>		6. Annual Report must be signed.* Signature: Elizabeth Roberts Name (type or print): Elizabeth Roberts Date: 04/24/2018 Title: Treasurer					
Processed 04/24/2018		* Electronically provided signatures are accepted as original signatures.					