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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for SUEZ Water Idaho Inc.

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

**MOTION TO RECOMMENCE
PROCEEDINGS**

Eagle Water Company, Inc. (“Eagle Water”) and SUEZ Water Idaho Inc. (“SUEZ”) collectively the “Applicants” pursuant to Commission Rule 56, IDAPA 31.01.01.56, hereby file this *Motion to Recommence Proceedings* (“*Motion*”) requesting that the Idaho Public Utilities Commission (“Commission”) issue an order: 1) lifting the current stay of proceedings in the above-captioned case; 2) authorizing the filing of the Applicants’ *Amended Application* and the *Supplemental Testimony* of Marshall Thompson, Cathy Cooper and Jarmila Cary and of Robert V. DeShazo, Jr. submitted contemporaneously herewith; and 3) designating such other procedures and schedule as the Commission deems appropriate under the circumstances to expeditiously process this case to conclusion.

BACKGROUND

1. On November 15, 2018 the Applicants filed their *Joint Application* requesting that the Commission approve SUEZ’ proposed acquisition of certain Eagle Water assets.

2. On January 10, 2019, following Commission notice, the Commission granted intervention of:

City of Eagle
Eagle Water Customer Group
City of Boise
Community Action Partnership Association of Idaho
Citizens Allied for Integrity and Accountability.

Order No. 34229. Thereafter, the parties engaged in discovery, but no pre-hearing schedule was established by the Commission.

3. In its January 8, 2019 *Amended Petition to Intervene*, City of Eagle asserted that it believed it had a contractual right-of-first refusal (“ROFR”) to purchase Eagle Water Company’s water system. On February 27, 2019, the City filed its *Notice of Filing in Related Judicial Proceeding* identifying the City’s civil action against Eagle Water in Fourth Judicial District Case No. CV01-19-03534 seeking to enforce its asserted ROFR.

4. On March 21, 2019 SUEZ filed its *Unopposed Motion for Stay* with the Commission requesting that the *Joint Application* proceeding be stayed pending the outcome of Case No. CV01-19-03534. Commission Order No. 34292 issued March 27, 2019 granted SUEZ’ Motion, retaining jurisdiction over the Joint Application.

5. On February 24, 2021 City of Eagle, Eagle Water, SUEZ and H2O Eagle Acquisition, LLC filed their *Settlement Agreement and Mutual Release* and a *Stipulation of Dismissal* (the “*Settlement*”) with the District Court. On March 8, 2021, the District Court ordered that all claims and counterclaims were dismissed with prejudice with the caveat that the dismissal was without prejudice to the ability of City of Eagle to refile its claims in the event that the sale of the assets of Eagle Water to SUEZ is not completed.

6. SUEZ and Eagle Water notified the Commission and other parties of the *Settlement* via their *Eighth Quarterly Status Report* filed on March 23, 2021.

7. The Applicants now are prepared to move forward with their *Joint Application*, and if approved by the Commission, with their purchase and sale of the Eagle Water assets.


8. The passage of time since this case was stayed and certain terms of the *Settlement* necessitate amendment of the Applicants' Asset Purchase Agreements and certain facts asserted in the *Joint Application*. It also has required supplementation of the Direct Testimony of SUEZ and Eagle Water witnesses as originally filed with the Commission. The Applicants' *Amended Application* and *Supplemental Testimony* are submitted contemporaneously with this *Motion*.

REQUEST FOR RELIEF

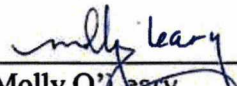
Because Case No. CV01-19-03534 has been settled, removing the reason for the pending stay of proceedings, and because the *Settlement* and passage of time have necessitated certain revisions to the Applicants' APAs, their *Joint Application* and their Direct Testimony, the Applicants respectfully request that the Commission issue an Order: 1) lifting the current stay of proceedings in the above-captioned case; 2) accepting for filing the Applicants' *Amended Application* and the *Supplemental Testimony* of Marshall Thompson, Cathy Cooper and Jarmila Cary and of Robert V. DeShazo, Jr. submitted contemporaneously herewith; and 3) designating such other procedures and schedules as the Commission deems appropriate under the circumstances to expeditiously process this case to conclusion.

DATED this 8th day of June, 2021.

SUEZ Water Idaho Inc.

By: 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of June, 2021, a true and correct copy of the foregoing document was served on the following in the manner indicated:

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Commission Secretary
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