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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorneys for Intervenor Eagle Water Customer Group

**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

EAGLE WATER CUSTOMER GROUP'S  
PETITION FOR INTERVENOR  
FUNDING

Eagle Water Customer Group ("EWCG"), by and through its counsel of record, Parsons Behle & Latimer, pursuant to Idaho Code § 61-617A and Rules 053 and 161 through 165 of the Rules of Procedure of the Idaho Public Utilities Commission ("Commission"), Idaho Administrative Code ("IDAPA") 31.01.01, and hereby petitions the Commission for an award of intervenor funding.

**A. BACKGROUND**

EWCG is an unincorporated nonprofit association, formed and recognized under the laws of the State of Idaho, composed of ratepayers, taxpayers and concerned citizens, including customers of the Applicants. EWCG members stand to be impacted by significant rate increases resulting from the proposed acquisition. If granted, these rate increases would exceed 200% for residential customers and 300% for commercial customers. This threatens to impose considerable "rate shock" on current Eagle Water Company customers. The outcome of the proceedings could also impact service to customers and other aspects of the public interest.

EWCG was formed to oppose and respond to the proposed acquisition of Eagle Water Company by SUEZ Water Idaho, including the proposed rate increases, potential impacts on service, and other aspects of the public interest. EWCG successfully petitioned to intervene and has actively participated in the proceedings, as necessary to protect the interests of its members.

In accordance with IPUC Rule 053(07)(a), the facts upon which this Petition is based are delineated below, along with the relevant legal authority upon which they are based.

In accordance with IPUC Rule 053(07)(d), the entity against which this Petition is brought is identified as Applicant SUEZ Water Idaho, Inc. (“Applicant” or “SUEZ Water Idaho”).

**B. AWARD OF COSTS OF INTERVENTION AND CASE IN WHICH INTERVENORS MAY APPLY FOR FUNDING**

Idaho Code § 61-617A(2) and IPUC Rule 161 are met because SUEZ Water Idaho is a regulated water utility with gross Idaho intrastate annual revenues exceeding \$3,500,000.

**C. ITEMIZED LIST OF EXPENSES**

Pursuant to IPUC Rule 162(01), following is an itemized list of EWCG’s costs and fees:

<u>Itemized legal work performed during acquisition proceedings</u>	<u>Hours</u>
Review Application, Amended Application and Direct Testimony	4.5
Review Commission Notices and Orders	2.2
Prepare Petition to Intervene	2.7
Review Petitions to Intervene, motions and responses filed by other parties	2.5
Review Production Requests and Responses	18.6
Meetings and communications with Commission Staff and other parties	13.2
Meetings and communications with client group members	9.0
Participate in settlement meetings and discussions; review proposals	17.5
Review and draft comments on proposed stipulation and settlement	4.0
Review other comments on settlement; client group briefing	1.7
Prepare for and participate in Customer Hearing; review Applicant rebuttal	3.0
Total hours worked – Norman M. Semanko	78.9

Legal Fees: 78.9 hrs. @ \$200/hr.<sup>1</sup> = \$15,780

**D. STATEMENT OF PROPOSED FINDINGS AND MATERIAL CONTRIBUTION THEREFROM**

In accordance with IPUC Rule 162(02), the proposed findings and recommendations of EWCG can be found in *Eagle Water Customer Group's Comments on Proposed Settlement* dated October 27, 2021; namely, that the Commission should: (1) reject and deny the *Stipulation and Settlement* and underlying application pursuant to the factors considered under Idaho Code Section 61-328, or (2) modify the structure and length of the proposed rate increase phase-in as reasonably necessary to mitigate the rate shock that would otherwise occur to existing Eagle Water customers, as it did for existing customers in the South County Water acquisition case.

EWCG maintained this position throughout the proceedings, thereby contributing materially to the settlement that was agreed to by the Applicants and Commission Staff and proposed to the Commission. In addition, EWCG filed extensive comments with the Commission, setting forth the factual and legal basis for denying or conditioning the acquisition.

The requirement of Idaho Code § 61-617A(2)(a) is satisfied because said proposed findings and recommendations materially contributed to the decision rendered by the Commission.

**E. STATEMENT SHOWING COSTS**

The fees and costs EWCG seeks to recover – as detailed above – are reasonable and, as such, meet the requirements of Idaho Code § 61-617A(2)(b) and IPUC Rule 162(03). Attorney Norman M. Semanko's standard hourly rate is \$405 per hour, but in this case his services were rendered at a discounted rate of \$200 per hour, resulting in legal fees totaling \$15,780 for 78.9

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<sup>1</sup> Norman M. Semanko's services were billed at a discounted rate of \$200/hour (standard rate is \$405/hour).

hours of time performing work in this matter. No witness fees or reproduction costs were incurred.

**F. EXPLANATION OF COST STATEMENT AND STATEMENT OF FINANCIAL HARDSHIP**

EWCG's funding, as an unincorporated nonprofit association, comes predominantly from individuals, most of whose contributions are unpredictable, sporadic, and limited in amount. EWCG has incurred reasonable, but still considerable, expenses participating in this important proceeding. Even with intervenor funding, participation in this case constitutes a significant hardship because EWCG has incurred these expenses during the course of the proceeding.

The fees and costs identified above constitute a significant financial hardship for EWCG, and the requirements of Idaho Code § 61-617A(2)(b) and IPUC Rule 162(04) are met.

**G. STATEMENT OF DIFFERENCE**

The Commission Staff provided valuable technical analysis regarding the proposed acquisition. Its role and position differed from those of the Intervenors. The Staff was an effective intermediary between the Intervenors and the Applicants. However, the Intervenors did not agree to the settlement that was reached between the Applicants and Staff.

While other Intervenors were focused on various issues related to this matter, EWCG consistently took the position that the acquisition should be denied due to the magnitude of the rate increases for existing Eagle Water customers. The more than 200% residential and 300% commercial rate increases proposed to be charged by SUEZ Water Idaho are significantly greater than could be expected under Eagle Water Company, even with improvements deemed necessary by Staff. These rate increases – even with the proposed phase-in – would impose considerable rate shock, both for residential and commercial customers. In particular, EWCG maintained that the proposed acquisition should either be denied or conditioned so that the rate increases do not

result in such rate shock. In particular, EWCG focused its analysis on the factors set forth in Idaho Code Section 61-328, which other parties did not focus on. This difference in focus contributed materially to the Commission's consideration and ultimate decision in this matter.

The requirements of Idaho Code § 61-617A(2)(c) and IPUC 162(05) are met by the clear difference between EWCG's proposed findings from those of Staff and the other parties.

**H. STATEMENT OF RECOMMENDATION: EWCG ADDRESSED ISSUES OF CONCERN TO THE GENERAL BODY OF USERS AND CONSUMERS**

EWCG's position addressed issues of concern to the general body of utility users and consumers. As noted previously, EWCG is an unincorporated nonprofit association, composed of ratepayers, taxpayers and concerned citizens. EWCG's position against the acquisition and associated rate increases is because it would impose considerable rate shock on existing Eagle Water Company residential and commercial customers. These are issues of concern to EWCG users and customers. As such the requirements of Idaho Code § 61-617A(2)(d) and IPUC Rule 162(06) have been met.

**I. STATEMENT OF SHOWING CLASS OF CUSTOMER**

To the extent EWCG represents a specific customer class, it is predominantly the residential class. IPUC Rule 162(07).

**J. AWARDS**

The specific requirements of Idaho Code § 61-617A(2)-(5) and IPUC Rule 165(01)(a)-(e) have been met as indicated above.

The award of intervenor funding is requested to be paid within twenty-eight (28) days of the order of the Commission awarding intervenor funding. IPUC Rule 165(02).

The award of intervenor funding paid by SUEZ Water Idaho will be an allowable business/rate case expense and shall be chargeable to the class of customers represented by the intervenors. IPUC Rule 165(03).

This Petition is permitted, as EWCG is not in direct competition with SUEZ Water Idaho and thus payment of EWCG's expenses is not prohibited by Idaho Code § 61-617A(5).

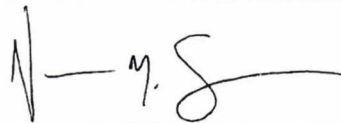
WHEREFORE, Petitioner EWCG, pursuant to Idaho Code § 61-617A(5) and IPUC Rule 053(07)(c), includes the following prayer for relief:

1. For an award of intervenor funding to EWCG in the amount of \$15,780 against Applicant SUEZ Water Idaho as follows:
2. That such award of intervenor funding be paid within twenty-eight (28) days of the order of the Commission awarding intervenor funding;
3. That such award of intervenor funding be an allowable business/rate case expense and be chargeable to the class of customers represented by EWCG; and

For such other and further relief as the Commission may determine to be just and proper.

DATED this 22<sup>nd</sup> day of November, 2021.

PARSONS BEHLE & LATIMER



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Norman M. Semanko  
Attorneys for Eagle Water Customer Group

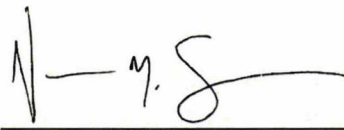
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of November, 2021, a true and correct copy of the foregoing document was served on the following via email:

<b>SUEZ WATER IDAHO, INC.</b>	
Marshall Thompson SUEZ WATER IDAHO INC. 8248 W. Victory Road Boise, ID 83709 E-mail: <a href="mailto:marshall.thompson@suez.com">marshall.thompson@suez.com</a>	Michael C. Creamer Preston N. Carter GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720 E-mail: <a href="mailto:mcc@givenspursley.com">mcc@givenspursley.com</a> <a href="mailto:prestoncarter@givenspursley.com">prestoncarter@givenspursley.com</a>
<b>EAGLE WATER COMPANY:</b>	
Molly O’Leary BIZCOUNSELOR @ LAW, PLLC 1775 W. State St. #150 Boise, ID 83702 E-mail: <a href="mailto:molly@bizcounseloratlaw.com">molly@bizcounseloratlaw.com</a>	Robert V. DeShazo, Jr., President EAGLE WATER COMPANY, INC. PO Box 455 Eagle, ID 83616-0455 E-mail: <a href="mailto:eaglewaterco@gmail.com">eaglewaterco@gmail.com</a>
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<b>CITY OF EAGLE:</b>	
<p>B. Newall Squyres  Murray D. Feldman  HOLLAND &amp; HART LLC  800 W. Main St., Suite 1750  PO Box 2527  Boise, ID 83702-2527  E-mail: <a href="mailto:nsquyres@hollandhart.com">nsquyres@hollandhart.com</a>  <a href="mailto:mfeldman@hollandhart.com">mfeldman@hollandhart.com</a></p>	<p>Jason Pierce  Mayor  CITY OF EAGLE  E-mail: <a href="mailto:jpierce@cityofeagle.org">jpierce@cityofeagle.org</a>  <a href="mailto:tosborn@cityofeagle.org">tosborn@cityofeagle.org</a></p>
<b>CITIZENS ALLIED FOR INTEGRITY AND ACCOUNTABILITY:</b>	
<p>James M. Piotrowski  Marty Durand  PIOTROWSKI DURAND, PLLC  1020 W. Main Street, Suite 440  PO Box 2864  Boise, ID 83701  E-mail: <a href="mailto:james@idunionlaw.com">james@idunionlaw.com</a>  <a href="mailto:marty@idunionlaw.com">marty@idunionlaw.com</a></p>	
<b>CITY OF BOISE CITY</b>	
<p>Mary Grant  Scott B. Muir  Deputy City Attorney  BOISE CITY ATTORNEY'S OFFICE  150 N. Capitol Blvd.  PO Box 500  Boise, ID 83701-0500  E-mail: <a href="mailto:boisecityattorney@cityofboise.org">boisecityattorney@cityofboise.org</a></p>	

DATED this 22<sup>nd</sup> day of November, 2021.

  
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Norman M. Semanko