

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE JOINT</b>	)	<b>CASE NOS. SUZ-W-18-02</b>
<b>APPLICATION OF SUEZ WATER IDAHO,</b>	)	<b>EAG-W-18-01</b>
<b>INC., TO ACQUIRE EAGLE WATER</b>	)	
<b>COMPANY</b>	)	<b>ORDER NO. 35399</b>
	)	

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On November 15, 2018, SUEZ Water Idaho Inc. (“SUEZ”) and Eagle Water Company, Inc. (“Eagle Water”) filed a Joint Application requesting Commission approval of the proposed acquisition of Eagle Water’s assets by SUEZ (“Joint Application”). On December 7, 2018, the Commission issued a Notice of Application and Notice of Intervention Deadline. Order No. 34203.

On March 27, 2019, the Commission granted SUEZ’s unopposed motion for stay, staying the case pending the outcome of litigation in the District Court for the Fourth Judicial District, State of Idaho, Ada County. Order No. 34292.

On June 8, 2021, Eagle Water and SUEZ filed a motion to recommence proceedings in this docket.

On October 8, 2021, Staff, SUEZ, and Eagle Water filed a proposed stipulation and settlement (“Settlement”) and a joint motion of approval of stipulation and settlement.

On December 9, 2021, the Commission issued a final order approving the Settlement, authorizing SUEZ to amend its certificate of public convenience and necessity (“CPCN”) No. 143 to reflect the acquisition of Eagle Water’s service area. Order No. 35247. Order No. 35247 also directed Eagle Water to refund a surcharge balance of \$592,020.00 to all eligible customers. *Id.* at 8-9, 20.

On December 21, 2021, SUEZ filed conforming tariffs reflecting the new rates for customers acquired from Eagle Water as approved in Order No. 35247.

On December 30, 2021, the Commission issued an order clarifying that SUEZ could bill customers in the former Eagle Water service area monthly. Order No. 35283.

On April 28, 2022, Staff submitted a Decision Memorandum (“Memo”) therein representing that, on February 8, 2022, Eagle Water mailed refund checks to 4,151 eligible customers to refund the surcharge balance. In its Memo, Staff stated it believed that Eagle Water followed the directives of Order No. 35247 and recommended that its tariffs and CPCN be canceled, effective immediately.

**COMMISSION DECISION AND FINDINGS**

The Commission has jurisdiction over this matter and the issues in this case under Title 61 of the Idaho Code. Specifically, the Commission regulates “public utilities,” including “water corporations” that serve the public or some portion thereof for compensation. *See Idaho Code* §§ 61-125, -129, and -501. The Commission has jurisdiction to grant or deny CPCNs and set any reasonable conditions for a Company to hold and obtain a CPCN. *Idaho Code* § 61-526, -527, and -528.

We find that Eagle Water complied with our directive in Order No. 35247. We further find that Eagle Water’s Tariffs and CPCN No. 278 shall be canceled, effective immediately.

**ORDER**

IT IS HEREBY ORDERED that Eagle Water’s Tariffs and CPCN No. 278 are canceled, effective immediately.

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.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 5<sup>th</sup> day of May 2022.



ERIC ANDERSON, PRESIDENT

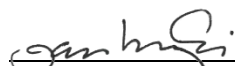


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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