

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF**

**FROM: BRANDON KARPEN  
DEPUTY ATTORNEY GENERAL**

**DATE: JANUARY 3, 2019**

**SUBJECT: 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**

On November 15, 2018, Suez Water Idaho, and Eagle Water Company, Inc. (jointly, the “Applicants”), filed a Joint Application requesting that the Commission approve a proposed acquisition of Eagle Water by Suez. On December 7, 2018, the Commission issued notice of the application, and set an intervention deadline of December 28, 2018. The following parties timely requested intervention: The City of Eagle, the City of Boise, the Community Action Partnership of Idaho (“CAPAI”), the Eagle Water Customer Group (“EWCG”), and Citizens Allied for Integrity and Accountability (“CAIA”).

On January 3, 2019, Suez filed an answer to the intervention petitions. Suez stated it did not object to intervention by the City of Eagle and the City of Boise. With regard to CAPAI, EWCG, or CAIA, Suez requested that intervention be conditionally granted.

Specifically, Suez asked that CAPAI’s intervention be limited to issues relating to Eagle Water. Suez objected to “[a]ny broad reexamination of Suez’s low-income programs affecting all Suez customers,” and argued that any such discussion “should instead take place in Suez’s next general rate case.” Answer at 3. Suez thus asked the Commission to let CAPAI intervene on the condition that CAPAI not be allowed to broaden the case into a reexamination of the low-income programs for all Suez customers. *Id.* at 5.

Regarding EWCG and CAIA, Suez noted that both groups purportedly represent identical interests, but neither “identifies a unique interest or class of ratepayers it seeks to represent [or] how it will contribute to relevant issues in a manner distinct from the Cities or CAPAI.” *Id.* at 4. Suez also noted the two groups share one business address: 8770 W. Chaparral Road, Eagle Idaho

83616. *Id.* Suez thus expressed concern that the two entities 1) may not have a direct or substantial interest in this proceeding; 2) are in fact the same; and 3) would unduly broaden the issues of the underlying proceeding. *Id.* Accordingly Suez asked the Commission to conditionally grant the intervention by EWCG and CAIA “subject to a later determination as to whether their intervention is in the public interest.” *Id.* at 5.

### INTERVENTION

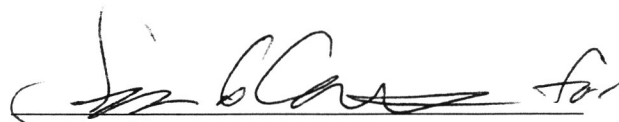
Commission Rule of Procedure 74 states:

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. 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.

IDAPA 31.01.01.074. Further, the Commission has stated that “[t]he Legislature has declared it the policy of this state to encourage participation at all stages of all proceedings before the commission.” Order No. 33512 (citing Idaho Code § 61-617A). Likewise, “the Commission has liberally allowed intervention where the purposes of intervention, as described in Rule 74 of the Rules of Procedure, are served. *Id.*

### COMMISSION DECISION

- A. Does the Commission wish to grant the intervention of:
  - 1. The City of Eagle and the City of Boise;
  - 2. CAPAI;
  - 3. EWCG; and CAIA?
- B. Does the Commission wish to grant CAPAI’s petition to intervene on the condition that CAPAI not raise issues related to Suez’s low-income programs?
- C. Does the Commission wish to grant EWCG and CAIA’s petitions to intervene on the condition that they be subject a later determination as to whether their intervention is in the public interest?

  
Brandon Karpen  
Deputy Attorney General