

## **DECISION MEMORANDUM**

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

**FROM:       DAYN HARDIE  
ERICK SHANER  
DEPUTY ATTORNEYS GENERAL**

**DATE:       AUGUST 27, 2021**

**SUBJECT:   IN THE MATTER OF THE JOINT APPLICATION OF SUEZ WATER  
IDAHO, INC., TO ACQUIRE EAGLE WATER COMPANY; CASE NOS.  
SUZ-W-18-02 AND EAG-W-18-01.**

On June 8, 2021, Eagle Water Company, Inc. (“Eagle Water”) and SUEZ Water Idaho Inc. (“SUEZ”) filed a motion to recommence proceedings (“Motion”) in this docket. The same day, Eagle Water and SUEZ filed an amendment to its joint application (“Amended Joint Application”) requesting approval of the acquisition of Eagle Water assets by SUEZ and amendment of Certificate of Public Convenience and Necessity No. 143.

On July 14, 2021, the Commission issued a Notice of Amended Application granting SUEZ and Eagle Water’s Motion. Order No. 35104.

The parties in the case met on August 23, 2021 to discuss potential issues the parties have identified, procedure, and scheduling. At that meeting the parties agreed on scheduling, but not all parties agreed on procedure.

### **REQUESTS FOR TECHNICAL HEARING**

At the parties’ August 23, 2021 meeting, the parties could not agree on the proper procedure to process this matter. Eagle Water Customer Group (“EWCG”) and Citizens Allied for Integrity and Accountability (“CAIA”) later requested a technical hearing informally. The remaining parties preferred modified procedure or were silent on the issue.

EWCG cited Case No. UWI-W-98-2 as a case that resolved similar issues to the present case and had a technical hearing. EWCG stated “[a]n opportunity for cross-examination of witnesses by the Commissioners, PUC attorneys, and counsel for the parties seems appropriate in

this matter. . .” CAIA also objected to processing this case by modified procedure noting that cross examination of witnesses would be helpful for addressing issues important to the party. CAIA did not specify any issues it planned to focus on in a technical hearing but declared there were several issues and modified procedure would likely not offer the opportunity to fully explore them.


#### **STAFF RECOMMENDATION**

Staff recommends the Commission issue a Notice of Modified Procedure establishing an October 13, 2021 public comment deadline and an October 20, 2021 Company reply deadline. Additionally, Staff recommends the Commission schedule a November 1, 2021 customer hearing and direct Staff to conduct a virtual public workshop on October 5, 2021.

Alternatively, if the Commission wishes to hold a technical hearing instead of processing this case by modified procedure, Staff recommends a technical hearing be scheduled in late November on a date that works for the Commission and that the deadlines for public comments and the Company’s reply noted above be converted into prefiled direct and rebuttal testimony deadlines.

#### **COMMISSION DECISION**

Does the Commission wish to process this case by modified procedure and establish an October 13, 2021 deadline for public comments and an October 20, 2021 deadline for the Company’s reply comments? Additionally, does the Commission wish to direct Staff to hold a virtual public workshop on October 5, 2021 and schedule a customer hearing on November 1, 2021? Anything else?

  
Dayn Hardie  
Deputy Attorney General

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