

Brad M. Purdy
Attorney at Law
Bar No. 3472
2019 N. 17th St.
Boise, ID. 83702
(208) 384-1299 (Land)
(208) 484-9980 (Cell)
bmpurdy@hotmail.com
Attorney for Petitioner
Community Action Partnership
Association of Idaho

RECEIVED
2021 MAY -4 PM 5:09
IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

| | | |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF SUEZ WATER IDAHO |) | CASE NO. SUZ-W-20-02 |
| INC.'S APPLICATION FOR AUTHORITY |) | |
| TO INCREASE ITS RATES AND CHARGES |) | |
| FOR WATER SERVICE IN IDAHO |) | COMMUNITY ACTION |
| PRUDENTLY INCURRED. |) | PARTNERSHIP ASSOCIATION |
| |) | OF IDAHO'S PETITION |
| |) | FOR INTERVENOR FUNDING |
| |) | |
| |) | |
| |) | |

I. INTRODUCTION

COMES NOW, the Community Action Partnership Association of Idaho (CAPAI) and, pursuant to Idaho Code § 61-617A and Rules 161-165 of the Commission's Rules of Procedure, IDAPA 31.01.01.161-165, petitions this Commission for an award of intervenor funding in the above-captioned proceeding.

II. BACKGROUND

This case was initiated with the filing of an Application by Suez on September 30, 2020 seeking a general rate increase of 22.3% for its roughly 100,000 customers. The Application was accompanied by the pre-filed testimony of approximately 11 witnesses together with supporting exhibits.

On October 21, 2020, the Commission issued a Notice of Application and Order No. 34819 establishing an intervention deadline for all interested persons, and other matters. CAPAI timely filed its Petition for Intervention which was granted by the Commission.

Throughout the duration of this case, CAPAI engaged in every aspect including, but not limited to, analyses of the Company's rationale for a large rate increase, the impact that such an increase would have on Suez's low-income rate payers, conducting discovery, a multitude of intra/inter-party teleconferences including extensive settlement negotiations; the latter of which led to a settlement by the majority of formal parties to the case.

Prior to the formal hearing conducted in this case, intervenors "Bench Intervenors" and the Intermountain Fair Housing Council (IFHC) withdrew from the case.

III. PROCEDURAL REQUIREMENTS

Rule 161 Requirements (IDAPA 31.01.01.161):

Suez is a regulated, water public utility with gross Idaho intrastate annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

Rule 162 Requirements:

(01) Itemized list of Expenses

Consistent with Rule 162(01) of the Commission's Rules of Procedure, an itemized list of all expenses incurred by CAPAI in this proceeding is attached hereto as Exhibit "A."

(02) Statement of Proposed Findings

Following extensive, multiple settlement negotiations, a settlement agreement was reached among and executed by those parties who remained in the rate case to its conclusion, including CAPAI. A Motion for Approval of that settlement agreement, along with the proposed settlement agreement itself, was filed with the Commission on March 17, 2021.

Throughout the process of this proceeding, CAPAI consistently opposed a rate increase amounting to nearly 23% due, primarily to the fact that such an increase would result in rate shock for Suez's low-income customers. As the Settlement Stipulation provides, Suez and the parties ultimately agreed to a significantly reduced rate increase totaling 8.75%; 3.55% in the first year and 5.2% in the following year.

In addition to the substantial reduction of the amount of increase sought by Suez, CAPAI also advocated for discussions with Suez for the purpose of enhancing the Company's "Suez Cares" bill assistance program. In addition, CAPAI seeks to enhance the ability of low-income Suez customers to reduce their consumption of water which will also likely result in system-wide benefits to all customers by reducing bad debt expense and the associated collection costs incurred by Suez, loss of customers, etc.

Ultimately, CAPAI and Suez (without objection of any other party) agreed to the following provision set forth in the Settlement Stipulation:

14. Low-income assistance program. SUEZ Water agrees to meet with CAPAI to examine the current status of SUEZ Water's low-income assistance program, the level of participation and effectiveness of the program, and to consider opportunities to improve SUEZ Water's assistance program for low-income customers.

From CAPAI's perspective, the foregoing provision in the Settlement Agreement was intended to allow for discussion of a variety of possible changes to Suez's low-income offering to allow for flexibility and, hopefully, a more meaningful program. In that respect, CAPAI appreciates and commends the Company's willingness to, hopefully, collaborate in this endeavor resulting in system-wide benefits to all Suez ratepayers.

For these reasons, CAPAI recommends that the Commission accept this provision and the Settlement Stipulation as being fair, just and reasonable.

(3) Statement Showing Costs:

CAPAI submits that the costs it seeks to recover through this Petition are reasonable in amount. CAPAI's legal counsel has roughly thirty (30) years of direct experience before this Commission as both Deputy Attorney General and in private practice handling a myriad of cases. CAPAI has historically requested an amount of intervenor funding that prices CAPAI's Executive Director and legal counsel at levels far less than market rates. Given his nearly three decades of experience in a field that is undeniably arcane and highly specialized, and given that legal counsel's current hourly rate of \$225 is near the bottom end of market rates for attorneys with similar experience, CAPAI asserts that the requested funding is reasonable. Yet, given significant financial hardship that CAPAI is currently facing, no funding is sought for its E.D. and legal counsel has dropped an already below-market hourly rate of \$225 per hour to \$170. In addition, CAPAI seeks no costs through this Petition.

CAPAI fully participated in every aspect of this proceeding from start to finish and provided input and asserted issues not raised by Staff and other parties. CAPAI's participation is summarized throughout this Petition, including in Exhibit "A." For the reasons stated herein, CAPAI respectfully submits that the costs it seeks to recover as set forth in Exhibit "A," are reasonable in amount.

(4) Explanation of Cost Statement:

As the Commission is well aware, CAPAI has intervened, litigated, and worked collaboratively in proceedings before the IPUC on behalf of Idaho public utility low-income ratepayers for more than twenty years. CAPAI respectfully submits that, for the past two decades, it has represented a segment of investor-owned public utility company's ratepayers not

specifically represented by any other entity. While CAPAI is always budget-constrained in such matters, and despite the fact that this Commission has clearly recognized these facts, the moment at hand is significantly dire from a financial position for a number of reasons.

CAPAI is now, and has been for roughly four months, operating without a permanent Executive Director (E.D.) who normally operates as CAPAI's expert. The individual who fills this position serves as technical expert in PUC proceedings and, occasionally, testifies before the Commission. Although CAPAI will certainly acquire a qualified applicant to fill this position as soon as possible, the timing of this is unknown and, consequently, it has been necessary for CAPAI to rely upon numerous other personnel none of whom intervenor funding is being sought for in this case.

As the Commission is well aware, CAPAI's intervention before the Commission comes from the U.S. Department of Energy and channeled through the Idaho Department of Health and Welfare. The funding and structuring of this funding is never a certainty. Without intervenor funding, CAPAI will no longer be able to fulfill a role that represents the interests of a critical and ever-expanding segment of utility ratepayers.

In addition, this particular case involved a significant number of intervenors, all of whom raised legitimate issues. This fact, however, increased the amount of work necessary for CAPAI, through its legal counsel, to meaningfully participate.

The Commission well knows the financial limitations that CAPAI faces. For example, CAPAI seldom can afford to retain an outside expert witness and does so only in particularly technical proceedings. CAPAI has historically requested an amount of intervenor funding that prices CAPAI's executive director and legal counsel at levels far less than market rates in any given case. In fact, the undersigned has reduced his already below-market hourly rate of \$225 to

\$170 per hour for this case due to the changing financial circumstances outlined above.

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho and has relatively little “discretionary” funds available for all projects, including participating in IPUC proceedings. CAPAI notes that it has no choice but to minimize its expenses and maximize the effect that its involvement has in proceedings before the Commission in light of its limited financial resources for this type of effort. Thus, CAPAI must adopt a resourceful approach using what limited resources that are at its disposal.

Finally, CAPAI has no direct monetary stake in the outcome of this or any other proceeding before the Commission in the sense that it does not represent for-profit businesses or advocacy groups, directly or indirectly, representing for-profit business interests. CAPAI truly meets the definition of “non-profit” and is a voice for the low income ratepayers of Suez and all other regulated public utilities in Idaho.

Thus, were it not for the availability of intervenor funding and past awards by this Commission, CAPAI would not be able to participate in IPUC cases representing an important and otherwise unrepresented and growing segment of regulated public utility customers. Even with intervenor funding, participation in Commission cases constitutes a significant financial hardship because CAPAI must pay its expenses as they are incurred, not if and when intervenor funding becomes available.

Based on the foregoing, CAPAI respectfully submits that the costs incurred and requested in this Petition are reasonable in amount.

(05) Statement of Difference

As with any case at least partially resolved through settlement, details of positions taken during such negotiations typically cannot be revealed or otherwise disclosed outside of the settlement process. Thus, to specify in this case exactly how the positions taken by CAPAI during settlement materially differed from those of the Commission Staff carries the risk of violating the confidentiality provision of negotiated settlements. Just the same, the positions taken by CAPAI and the Commission Staff were certainly not identical and differed materially from one another. CAPAI specifically represented the interests of Suez's low-income customers while Staff understandably focused on all customers and customer classes.

(06) Statement of Recommendation

Suez's low income customers constitute a significant and increasing segment of the Company's residential ratepayers. In today's increasingly challenging economic times, issues affecting low income public utility ratepayers become increasingly important. To the extent that low income customers are unable to reduce their utility consumption and to pay their utility bills due to limited financial and other means and to the extent that the poor are most vulnerable to disconnection due to inability to pay their bills, any measures to assist the Company's low income customers in paying their bills both clearly and positively affects the general body of Suez's customers through, among other things, the reduction of bad debt expense, collection costs, and the lost revenue from customers who cannot afford to pay their electric bills.

In light of the foregoing and the fact that the proposed settlement results in a rate decrease for all customer classes, CAPAI joins all other parties in recommending that the Commission approve the proposed settlement and related motion for approval.

(07) Statement Showing Class of Customer

CAPAI represents the low-income customers of Suez which, for all practical purposes, are included within the Company's residential class.

RESPECTFULLY SUBMITTED, this 4th day of May, 2021.

_____/s/_____
Brad M. Purdy

EXHIBIT "A"
ITEMIZED EXPENSES

CAPAI'S STATEMENT SHOWING COSTS
CASE NO. SUZ-W-20-02

The following explanation of cost statement breaks out the general topic and categories of work performed by the undersigned. As such, it is not a precise replication of attorney timesheets due to impracticality and the certainty that there would otherwise be a breach of the attorney-client privilege. Actual hours worked by the undersigned, however, were taken directly from time sheets and client billings and, thus, are accurate.

General categories of tasks performed during course of case: Brad M. Purdy.

| | |
|---|------------------------------|
| Analysis of Suez General Rate Case Application with testimony of roughly 13 (including Commission Staff) witnesses and numerous attachments and exhibits. | 6.6 |
| Draft, file and serve CAPAI Petition for Intervention. | 2.5 |
| Review all intervention petitions and motions opposing same. Telephone conferences & emails other intervenors. | 4.6 |
| Receipt and review hundreds of emails, with attachments, from all parties to case involving all issues. | 9.0 |
| Numerous teleconferences all parties, including preparation for and participation in multiple settlement negotiations. | 19.0 |
| Review all discovery requests and responses. | 12.0 |
| Review all Commission Orders and Notices. Teleconferences Staff. | 3.4 |
| Review and execute all settlement documents and revisions thereto. | 4.0 |
| Review all public comments. | 1.0 |
| Prepare for and participate in technical hearing. | 3.0 |
| Total Hours Worked - Brad M. Purdy | |
| Total Hours worked at billable rate: | 65.1 hrs. @ \$170/hr. |
| | \$11,067.00 |

Costs:

Copies and postage:

\$0

TOTAL FEES AND COSTS

\$11,067.00

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 4th day of May, 2021, I served a copy of the foregoing document on the following by electronic mail.

COMMISSION STAFF:

Matt Hunter
Dayn Hardie
Deputy Attorneys General
Idaho Public Utilities Commission
472 W. Washington St.
Boise, ID 83702
Matt.hunter@puc.idaho.gov
Dayn.hardie@puc.idaho.gov

SUEZ CORPORATION

David Njuguna
461 From Rd., Suite 400
Paramus, NJ 07052
Email: david.njuguna@suez.com

Michael C. Creamer
Preston N. Carter
Givens Pursley LLP
Boise, ID 83701-2720
Email: mcc@givenspursley.com
prestoncarter@givenspursley.com

ADA COUNTY

Lorna Jorgensen
John Cortabitarte
ljorgensen@adacounty.id.gov
jcortabitarte@adacounty.id.gov

CITY OF BOISE CITY

Mary Grant
boisecityattorney@cityofboise.org

Scott B. Muir
boisecityattorney@cityofboise.org

SUEZ WATER CUSTOMER GROUP

Norman M. Semanko

Parsons Behle & Latimer

nsemanko@parsonsbehle.com

boisedocket@parsonsbehle.com

INTERVENORS

Marty Durand

Piotrowski Durand

marty@idunionlaw.com

INTERMOUNTAIN FAIR HOUSING COUNCIL

Ken Nagy

Attorney at Law

knagy@lewiston.com

Zoe Ann Olson

zolson@ifhcidaho.org

MICRON TECHNOLOGY, INC

jswier@micron.com

gbharwood@micron.com

Austin Rueschhoff

Thorvald A. Nelson

darueschhoff@hollandhart.com

tnelson@hollandhart.com

aclee@hollandhart.com

glgarganoamari@hollandhart.com

_____/s/_____
Brad M. Purdy