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IDAHO PUBLIC  
UTILITIES COMMISSION

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*Attorneys for City of Boise*

**BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF SUEZ WATER IDAHO  
INC.'S APPLICATION FOR AUTHORITY TO  
INCREASE ITS RATES AND CHARGES FOR  
WATER SERVICE IN IDAHO

Case No. SUZ-W-20-02

**MOTION FOR EXTENSION  
OF TIME**

COMES NOW the City of Boise (the "City"), by and through undersigned counsel, and, pursuant to Idaho Code (I.C.) § 61-622(4) and Rule 256 of the Rules of Procedure (IDAPA 31.01.01.256) of the Idaho Public Utility Commission ("Commission") files this Motion for Extension of Time. The City is joined in this Motion by intervenors Ada County, Suez Water Customer Group, Intermountain Fair Housing Council, Community Action Partnership Association of Idaho ("CAPAI"), Micron technology, Inc. ("Micron"), and Gannon, et. al. (Individuals), by and through undersigned counsel, respectively. The parties hereto request the Commission extend the period of suspension of rates for good cause shown, extend the pre-hearing deadlines and scheduled hearing date, and as grounds for this Petition, the parties state as follows:

## **I. Procedural History**

Following the Commission Notice of Parties, dated December 31, 2020, Intervenors have been working diligently to pursue discovery and engage in substantive settlement discussions. Following an initial settlement conference on February 11, 2021, and as outlined in a Decision Memorandum provided by Staff, dated February 19, 2021, staff recommended the following:

1. Establishing a March 17, 2021 deadline for Staff and Intervenors to file prepared testimony;
2. Establishing an April 7, 2021 deadline for the SUEZ Water Idaho, Inc. (“Company”) to file rebuttal testimony;
3. Directing Staff to hold a public workshop for March 25, 2021;
4. Scheduling a customer hearing for April 15, 2021; and
5. Scheduling a technical hearing for April 20-22, 2021.

The Commission approved the Decision Memorandum on February 23, 2021, and an Order is expected to be forthcoming.

## **II. Applicable Law**

The period of suspension of a new rate shall not extend beyond thirty (30) days when such new rate would otherwise go into effect, unless the commission in its discretion extends the period of suspension for an initial period not exceeding five (5) months. I.C. § 61-622(4) The commission may further, after a showing of good cause on the record, grant an additional sixty (60) days. *Id.* Objective circumstances that are substantive, substantial or compelling, and meet a standard of reasonable as applied may constitute good cause. *See Meyer v. Skyline Mobile Homes*, 99 Idaho 754, 759 (1979).

### **III. Argument**

The parties hereto submit that good cause exists to extend the period of suspension of a new rate and to extend deadlines as established.

1. Because of the proposed increase of over 22%, there are a substantial number of intervenors in this rate case, each raising important issues, some of which are independent of others raised. Several of the intervenors are not usual participants to Commission proceedings and, despite exercising diligence in the matter, seek additional time to navigate the procedure, the voluminous documents that have been produced, and substantive aspects of the case, which are heavily technical in nature. Additionally, CAPAI's executive director left unexpectedly without access for several weeks, leaving CAPAI and its counsel without an expert and of which counsel just learned within the last few days.
2. Discovery continues to be ongoing. The parties have engaged in settlement proceedings to date. However, many discovery requests are outstanding, which information would inform and may aid in settlement progress. The parties hereto are confident that an extension of time will provide greater opportunity for substantive settlement discussions, in the hopes of narrowing any issues that may go to hearing.
3. The documents already provided and the continuing responses to requests for production of documents have raised additional issues such as: Suez underlying assumptions for projects; items not known or measurable at this time; prudence and justification of projects included for the rate change and portions of the


revenue requirement; presumptions or deficiencies in underlying cost of service analyses; rates among customer class and whether such is just, fair or reasonable; commitments to ongoing customer relations; whether noticing of the rate case violated civil rights; and whether any rate increase is justified.

4. The issues reinforced and brought forth within discovery necessitate the use of experts and the inordinately short period of time between supplemental production of documents during settlement and scheduled deadlines fails to provide sufficient time for expert review by Intervenors. Without additional time, the case becomes a settlement discussion limited to the PUC staff and Suez, and excludes Intervenors who represent parties with a significant interest in the outcome.
5. The settlement process began on February 11, 2021, at which time some or all of the parties hereto indicated a need for additional time to consider the voluminous documentation. The schedule between settlement negotiations has been inadequate to consider the Staff's proposal, the Company's counterproposal, as well as additional technical matters continuing to come into the proceedings. Logistics of the pandemic, remote work environments, as well as the tight schedule have prevented the parties from effectively reviewing and providing feedback on the proposals and to meaningfully participate in settlement. Additional time before prepared testimony shall be required would enable the parties to schedule an additional settlement conference.

For reasons stated above, the City and joining intervenors respectfully request the Commission:

1. Consider this Petition for procedural relief on fewer than (14) days prior notice, pursuant to IDAPA 31.01.01.256.03.
2. Grant an extension for its final decision, pursuant to I.C. § 61-622(4) for a period of 60 days.
3. Grant relief from the forthcoming order and extend respective deadlines for prepared testimony, rebuttal, testimony, workshop, and hearing for a period of 45 days.

DATED this 25th day of February 2021.



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Mary R. Grant  
Deputy City Attorney

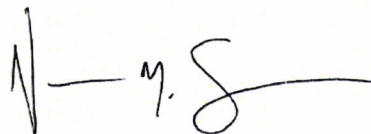
Joining Intervenors:

DATED this \_\_\_\_ day of February 2021.

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Ada County  
Lorna Jorgenson  
John Cortabitarte  
Deputy Prosecuting Attorneys

DATED this 25th day of February 2021.



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Suez Water Customer Group,  
Norman M. Semanko

DATED this \_\_\_\_ day of February 2021.

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Intermountain Fair Housing Council,  
Inc.,  
Ken Nagy  
Attorney at Law

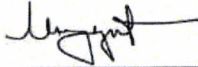
DATED this \_\_\_\_ day of February 2021.

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Community Action Partnership,  
Brad Purdy  
Attorney at Law

DATED this \_\_\_\_ day of February 2021.

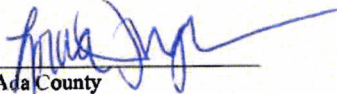
DATED this 25<sup>th</sup> day of February 2021.



Mary R. Grant  
Deputy City Attorney

Joining Intervenors:

DATED this 25 day of February 2021.



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Lorna Jorgenson  
John Cortabitarte  
Deputy Prosecuting Attorneys

DATED this \_\_\_\_ day of February 2021.

Suez Water Customer Group,  
Norman Semanko  
Deputy County Attorney

DATED this \_\_\_\_ day of February 2021.

Intermountain Fair Housing Council,  
Inc.,  
Ken Nagy  
Attorney at Law

DATED this \_\_\_\_ day of February 2021.

Community Action Partnership,  
Brad Purdy  
Attorney at Law

DATED this \_\_\_\_ day of February 2021.

DATED this 25th day of February 2021.



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Mary R. Grant  
Deputy City Attorney

Joining Intervenors:

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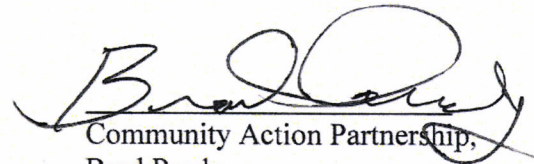
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Norman Semanko  
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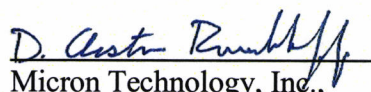
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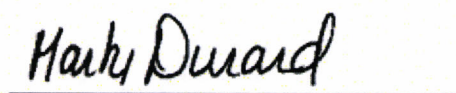
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Community Action Partnership,  
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DATED this \_\_\_\_ day of February 2021.



  
Micron Technology, Inc.,  
Austin Rueschhoff  
Thorvald Nelson,  
Attorneys at Law

DATED this 25<sup>th</sup> day of February 2021.

  
Gannon, et. al (Individuals)  
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Attorney at Law

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 26th day of February 2021, served the foregoing documents on all parties of counsel as follows:

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*for citizen Intervenors, Gannon, Montero,  
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