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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorneys for Petitioner SUEZ Water Customer Group

**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

**SUEZ WATER CUSTOMER GROUP'S  
PETITION FOR INTERVENOR  
FUNDING**

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COMES NOW, SUEZ Water Customer Group (hereinafter "SWCG" or "the Customer Group"), through the undersigned counsel of record, pursuant to Idaho Code § 61-617A and Rules 053 and 161 through 165 of the Rules of Procedure of the Idaho Public Utilities Commission ("IPUC" or "the Commission"), Idaho Administrative Code ("IDAPA") 31.01.01, and hereby petitions the Commission for an award of intervenor funding.

**A. Background**

SWCG is an unincorporated nonprofit association, formed and recognized under the laws of the State of Idaho, composed of ratepayers and customers of the Applicant, for the purpose of opposing and responding to the proposed rate increase on SUEZ Water Idaho customers. SWCG members stood to be impacted by the significant rate increases contained in the Application. If granted as proposed, these rate increases would have averaged 22.3% across-the-board. SWCG

filed a petition to intervene seeking denial of the Application to approve the proposed rate increase, which petition was granted by the IPUC.

In accordance with IPUC Rule 053(07)(a), the facts upon which this Petition is based are delineated below, along with the relevant legal authority upon which they are based.

In accordance with IPUC Rule 053(07)(d), the entity against which this Petition is brought is identified as Applicant SUEZ Water Idaho, Inc. (“Applicant” or “SUEZ Water Idaho”).

**B. Award of Costs of Intervention and Case in Which Intervenors May Apply for Funding**

Idaho Code § 61-617A(2) and IPUC Rule 161 are met because SUEZ Water Idaho is a regulated water utility with gross Idaho intrastate annual revenues exceeding \$3,500,000.

**C. Itemized List of Expenses**

Pursuant to IPUC Rule 162(01), following is an itemized list of SWCG’s costs and fees

<u>Itemized legal work performed during Rate Case proceedings</u>	<u>Hours</u>
Review Rate Case Application and Direct Testimony	1.5
Review Commission Notices and Orders	1.3
Prepare Petition to Intervene	1.0
Review Petitions to Intervene, motions and responses filed by other parties	0.9
Review Production Requests and Reponses	11.1
Meetings and communications with PUC Staff and other parties	5.5
Meetings and communications with client group members	1.2
Participate in settlement meetings and discussions with intervenors/staff	20.7
Participate in drafting and review of settlement proposals/counter proposals	2.2
Review and comment on settlement stipulation	0.6
Review testimony submitted in support of settlement and prepare for hearing	1.0
Participate in Customer Hearing and Technical Hearing	2.0
Total hours worked – Norman M. Semanko	49.0
Legal Fees: 49.0 hrs. @ \$225/hr. <sup>1</sup> = \$11,025	

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<sup>1</sup> Norman M. Semanko’s services were billed at a discounted rate of \$225/hour (standard rate is \$405/hour).

**D. Statement of Proposed Findings and Material Contribution Therefrom**

In accordance with IPUC Rule 162(02), the proposed findings and recommendations of SWCG can be found in *SWCG's Petition to Intervene* dated November 10, 2020; namely, that the Applicant's proposed rate increase of 22.3% is unjust and unreasonable and threatens to impose considerable "rate shock" on SUEZ Water Idaho customers, and should therefore not be granted by the Commission.

SWCG maintained this position throughout the proceedings, thereby contributing materially to the settlement that was agreed to by the parties and proposed to the Commission. As adopted by the Commission, this settlement resulted in a just and reasonable rate increase of 3.55% in the first year and an additional increase of 5.2% in the second year, for a total rate increase of 8.75%. This is substantially lower than the rate increase proposed in the Application.

The requirement of Idaho Code § 61-617A(2)(a) is satisfied because said proposed findings and recommendations materially contributed to the decision rendered by the Commission.

**E. Statement Showing Costs**

The fees and costs SWCG seeks to recover – as detailed above – are reasonable and, as such, meet the requirements of Idaho Code § 61-617A(2)(b) and IPUC Rule 162(03). Attorney Norman M. Semanko's standard hourly rate is \$405 per hour, but in this case his services were rendered at a discounted rate of \$225 per hour, resulting in legal fees totaling \$11,025 for 49.0 hours of time performing work in this matter. No witness fees or reproduction costs were incurred.

**F. Explanation of Cost Statement and Statement of Financial Hardship**

SWCG's funding, as an unincorporated nonprofit association, comes predominantly from individuals, most of whose contributions are unpredictable, sporadic, and limited in amount. SWCG has incurred reasonable, but still considerable, expenses participating in this important

proceeding. Even with intervenor funding, participation in this IPUC case constitutes a significant hardship because SWCG has incurred these expenses during the course of the proceeding.

The fees and costs identified above constitute a significant financial hardship for SWCG, and the requirements of Idaho Code § 61-617A(2)(b) and IPUC Rule 162(04) are met.

**G. Statement of Difference**

The IPUC Staff provided valuable technical analysis regarding the proposed rate increase and the Applicant's revenue requirements in this matter. Its role and position differed from those of the Intervenors. The Staff was an effective intermediary between the Intervenors and the Applicant.

While other Intervenors were focused on various issues related to this matter, SWCG consistently took the position that the proposed rate increase was much too high, and therefore unjust and unreasonable. An across-the-board rate increase of 22.3% threatened to impose considerable "rate shock" on SUEZ Water Idaho customers, both for residential and commercial customers still suffering through the impacts of the COVID-19 pandemic. In particular, SWCG maintained that the rate increase should be much smaller than proposed and, ideally, phased-in so that the rate increase could be as small as possible during the first year, hopefully encompassing the remaining days of the pandemic and its economic impacts. This difference in focus contributed materially to the settlement stipulation that was ultimately accepted by the Commission.

The requirements of Idaho Code § 61-617A(2)(c) and IPUC 162(05) are met by the clear difference between SWCG's proposed findings from those of Staff and the other parties.

**H. Statement of Recommendation: SWCG Addressed Issues of Concern to the General Body of Users and Consumers**

SWCG's position addressed issues of concern to the general body of utility users and consumers. As noted previously, SWCG is an unincorporated nonprofit association, composed of

ratepayers and customers. SWCG's position against the 22.3% rate increase proposed in the Application is because it is unjust and unreasonable, risking imposing "rate shock" on residential and commercial customers, including those who are struggling with the economic impacts of the COVID-19 pandemic. All of these are issues of concern to SWCG users and customers. As such the requirements of Idaho Code § 61-617A(2)(d) and IPUC Rule 162(06) have been met.

**I. Statement of Showing Class of Customer**

To the extent SWCG represents a specific SUEZ Water Idaho customer class, it is the residential class. IPUC Rule 162(07).

**J. Awards**

The specific requirements of Idaho Code § 61-617A(2)-(5) and IPUC Rule 165(01)(a)-(e) have been met as indicated above.

The award of intervenor funding is requested to be paid within twenty-eight (28) days of the order of the IPUC awarding intervenor funding. IPUC Rule 165(02).

The award of intervenor funding paid by SUEZ Water Idaho will be an allowable business/rate case expense and shall be chargeable to the class of customers represented by the intervenors. IPUC Rule 165(03).

This Petition is permitted, as SWCG is not in direct competition with SUEZ Water Idaho and thus payment of SWCG's expenses is not prohibited by Idaho Code § 61-617A(5).

WHEREFORE, Petitioner SWCG, pursuant to Idaho Code § 61-617A(5) and IPUC Rule 053(07)(c), includes the following prayer for relief:

1. For an award of intervenor funding to SWCG in the amount of \$11,025 against Applicant SUEZ Water Idaho as follows:

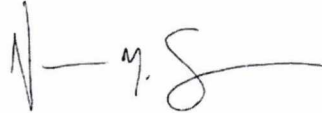
2. That such award of intervenor funding be paid within twenty-eight (28) days of the order of the IPUC awarding intervenor funding;

3. That such award of intervenor funding be an allowable business/rate case expense and be chargeable to the class of customers represented by the intervenors; and

4. For such other and further relief as the IPUC may determine to be just and proper.

**DATED** this 3<sup>rd</sup> day of May, 2021.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read "N. M. Semanko". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

By: \_\_\_\_\_  
Norman M. Semanko

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 3<sup>rd</sup> day of May, 2021, by the following method:

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Commission Secretary  
Idaho Public Utilities Commission  
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*secretary@puc.idaho.gov*  
*jan.noriyuki@puc.idaho.gov*

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- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

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Matt Hunter  
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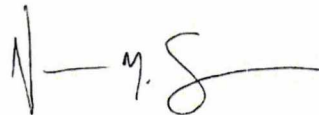
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