

DECISION MEMORANDUM

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

FROM: DAYN HARDIE
MATT HUNTER
DEPUTY ATTORNEYS GENERAL

DATE: NOVEMBER 27, 2020

SUBJECT: IN THE MATTER OF SUEZ WATER IDAHO INC'S APPLICATION FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR WATER SERVICE IN IDAHO; SUZ-W-20-02.

On October 21, 2020, the Commission established a November 12, 2020 intervention deadline for this case. Order No. 34819. Micron filed a petition to intervene on November 18, 2020—after the intervention deadline had run. The issue before the Commission is whether to grant Micron's late petition.

RULES GOVERNING LATE PETITIONS TO INTERVENE

Commission Rules provide that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing to prevent disruption, prejudice to existing parties, or undue broadening of the issues, or for other reasons." *Id.* Also, "Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

MICRON'S PETITION

Micron states that it did not become fully aware of SUEZ's filing until November 6, 2020. After being made aware, Micron states it needed additional time to determine and assess the impact of SUEZ's Application on its operation to determine if intervention was warranted. As a large water customer, Micron's water expenses would increase substantially if SUEZ's proposed rates are implemented without change.

Micron states that if not provided an opportunity to intervene, it would be without a means of participating in SUEZ's rate case which could materially impact Micron. Micron intends to fully participate in this case—if allowed to intervene. Micron states that granting its petition to intervene would not disrupt or prejudice existing parties because the proceeding has not materially progressed beyond intervention. Micron states it would not unduly broaden the issues or prejudice any party to the proceeding if allowed to intervene.

COMMISSION DECISION

Does the Commission wish to grant Micron's late petition to intervene?



Dayn Hardie
Matt Hunter
Deputy Attorney General