

## DECISION MEMORANDUM

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

**FROM: DAYN HARDIE  
MATT HUNTER  
DEPUTY ATTORNEYS GENERAL**

**DATE: MARCH 5, 2021**

**SUBJECT: 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.**

On September 30, 2020, SUEZ Water Idaho, Inc. (“SUEZ”) filed an Application requesting authorization to raise the rates it charges for water service. SUEZ requested an October 31, 2020 effective date.

On October 21, 2020, the Commission issued a Notice of Application, a suspension of proposed effective date, and a Notice of Intervention Deadline. Order No. 34819. The Commission suspended SUEZ’s proposed effective date of October 31, 2020, for the statutory maximum period of 30 days plus 5 months. Micron Technology, Boise City, Ada County, Intermountain Fair Housing Council (“IFHC”), SUEZ Water Customer Group, Community Action Partnership Association of Idaho, and Intervenors Gannon et al. (collectively the “Intervenors”) intervened in the case. The last party to be admitted, IFHC, was admitted by the Commission on December 4, 2020. Order No. 34861.

Between October 7, 2021 and January 22, 2021, Staff sent SUEZ 155 production requests. Each of Staff’s production requests (and SUEZ’s responses) were served on the Intervenors. *See* IDAPA 31.01.01.229. The first discovery by an intervenor was filed on February 1, 2021. On February 11, 2021, the parties began settlement negotiations. *See* IDAPA 31.01.01.271 to .277.

Order No. 34819 directed Staff to confer with the parties about scheduling after the intervention deadline passed. In a February 19, 2021 decision memorandum, Staff asserted it

conferred with the Parties following the intervention deadline. Staff recommended the following schedule based on its agreement with the parties:

Staff/Intervenor Prefile Testimony for parties	March 17, 2021
Public Workshop	March 25, 2021
Company Rebuttal Testimony	April 7, 2021
Customer Hearing	April 15, 2021
Technical Hearing	April 20-22, 2021

The Commission approved the schedule at its February 23, 2021 decision meeting.

#### **INTERVENORS' MOTION FOR EXTENSION OF TIME**

On February 26, 2021, the Intervenor filed a Motion for Extension of Time, pursuant to *Idaho Code* § 61-622(4) and IDAPA 31.01.01.256 (“Motion”). The Intervenor requested the Commission suspend SUEZ’s proposed effective date for an additional 60 days and extend the Commission-approved schedule for 45 days. Motion at 5. The Intervenor asked that the Commission consider the Motion under procedural Rule 256, which allows the Commission to act upon a motion for relief in less than 14 days after the motion was filed. *Id.*; *see* IDAPA 31.01.01.256.03.

The Intervenor argued there is good cause on the record to suspend SUEZ’s proposed effective date for an additional 60 days and to extend the Commission-approved deadlines by 45 days. Motion at 2-3. First, the Intervenor noted that “[s]everal 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.” *Id.* at 3.

Second, the Intervenor pointed out that discovery is ongoing, and that several parties are awaiting discovery responses. *Id.* The Intervenor also noted that the “documents already provided and the continuing responses to requests for production of documents have raised additional issues...” that “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 Intervenor.” *Id.* at 3-4.

Third, the Intervenors asserted the settlement negotiation period has been too short to consider “the voluminous documentation.” *Id.* at 4. “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.” *Id.* Citing the challenges of settlement negotiations during a pandemic and the fast-moving schedule, the Intervenors concluded that extending the Commission-approved schedule would allow additional time for settlement negotiations.

### STAFF ANALYSIS

Staff does not oppose the Motion. However, Staff is prepared to meet the schedule approved by Order No. 34942 and believes it is reasonable.

It is Staff’s understanding that SUEZ is planning to file an answer to the Intervenors’ Motion. As of the filing of this Memorandum, no answer to the Motion has been filed with the Commission.

If the Commission grants the Intervenors’ Motion to extend the approved schedule by 45 days, the new dates would be as follows:<sup>1</sup>

Staff/Intervenor Prefile Testimony for parties	Friday, April 30, 2021
Public Workshop	Monday, May 10, 2021
Company Rebuttal Testimony	Friday, May 21, 2021
Customer Hearing	Tuesday, June 1, 2021
Technical Hearing	Monday, June 7 through Wednesday, June 9, 2021

If the Commission suspends SUEZ’s proposed effective date an additional 60 days, the Commission must issue a final order by June 29, 2021.

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<sup>1</sup> As a 45-day extension to the existing schedule would result in several dates falling on weekends, some dates have been moved to the closest business day (Monday or Friday). Because the resulting date for the three-day technical hearing would be Friday, June 4, 2021, the resulting date has been moved to the following Monday.

## COMMISSION DECISION

Does the Commission wish grant the Intervenor's Motion and issue an order:

1. Finding good cause on the record to suspend SUEZ's proposed effective date for an additional 60 days?
2. Extending the Commission-approved schedule 45 days?

A handwritten signature in blue ink, appearing to read "Matt Hunter", is written over a horizontal line.

Matt Hunter  
Deputy Attorney General

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