

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>WESTERN AIRCRAFT, INC.,</b>	)	<b>CASE NO. SUZ-W-21-01</b>
	)	
<b>COMPLAINANT,</b>	)	<b>NOTICE OF MODIFIED PROCEDURE</b>
	)	
<b>vs.</b>	)	<b>ORDER NO. 34990</b>
	)	
<b>SUEZ WATER IDAHO INC.</b>	)	
	)	
<b>RESPONDENT.</b>	)	
	)	
	)	
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On January 28, 2021, Western Aircraft, Inc., (“Western Aircraft”) filed a formal complaint (“Complaint”) against Suez Water Idaho Inc. (“Suez”). In its Complaint, Western Aircraft alleged, in summary, that Suez is failing to deliver service, adopting unfair and discriminatory practices, attempting to impose unreasonable and unjust charges, and failing to follow the provisions of existing rules, regulations, and tariffs in relation to proposed water service for a new aircraft hangar that Western is building. *Complaint.* at 3. Western requests that the Commission order Suez: to allow a temporary water connection to the new aircraft hangar from the existing aircraft hangar’s water line pending the final resolution of this matter; to negotiate in good faith with Western; and, to not charge Western excessive, unreasonable and discriminatory fees, nor to bear any costs to upgrade or relocate Suez’s water mains on or adjacent to Western’s rented real property. *Id.* at 6-7.

Suez filed its Answer to Western’s Complaint on February 24, 2021. Suez asserts Western wants to place a permanent building with walls—which Western calls the “breezeway”—directly above a water main. *Answer* at 1-2. Suez alleges this would put its water system out of compliance with Idaho Department of Environmental Quality (“IDEQ”) rules. *Id.* at 2; *see also* IDAPA 58.01.08.542.11. Suez asserts it will work with Western to identify solutions, but argues that Western must refrain from construction that will place Suez’s system out of compliance with IDEQ’s rules. *Id.* at 2-3. Suez asserts that the Commission should not order Suez to provide water service if a customer chooses to construct a building that creates these problems. *Id.* at 3.

Having reviewed the pleadings, the Commission finds it appropriate to process this case by Modified Procedure, and sets deadlines for Western Aircraft and interested persons to comment on this matter and for Suez to file a reply.

**NOTICE OF MODIFIED PROCEDURE**

YOU ARE HEREBY NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that Western Aircraft and any other persons desiring to state a position in this matter may file written comments in this matter. Persons who would like a hearing must specifically request a hearing in their written comments. **Western Aircraft and interested persons shall have until April 28, 2021 to file written comments.** Comments must be filed through the Commission's website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment Form" and complete the form using the case number as it appears on the front of this document. To file by e-mail, the commenter must e-mail the comments to the e-mail addresses listed below. In addition to submitting the comments to the Commission Secretary, the commenter must also e-mail Western Aircraft and Suez at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission, Western Aircraft, and Suez at these addresses:

**For the Idaho Public Utilities  
Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074

[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street Address for Express Mail:

11331 W. Chinden Blvd.,  
Building 8, Suite 201-A  
Boise, ID 83714

**For Suez Water Idaho Inc:**

Marshall Thompson  
Vice President and General Manager  
Suez Water Idaho Inc.  
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**For Western Aircraft Inc.**

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[dave@dleroy.com](mailto:dave@dleroy.com)

**YOU ARE FURTHER NOTIFIED** that Suez must file any reply comments **by May 12, 2021.**

**YOU ARE FURTHER NOTIFIED** that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for a formal hearing.


**ORDER**

**IT IS HEREBY ORDERED** that this case be processed by Modified Procedure. Western Aircraft and interested persons must file written comments by April 28, 2021. The Suez must file any reply comments by May 12, 2021.

**IT IS FURTHER ORDERED** that parties should continue to comply with Order No. 34781, issued September 17, 2020. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

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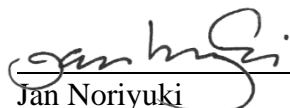
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7<sup>th</sup> day  
of April 2021.

  
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PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jan Noriyuki  
Commission Secretary

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