

DECISION MEMORANDUM

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

FROM: JOHN R. HAMMOND JR.

DATE: FEBRUARY 1, 2021

RE: FORMAL COMPLAINT OF WESTERN AIRCRAFT, INC., AGAINST
SUEZ WATER IDAHO INC.; CASE NO. SUZ-W-21-01

On January 28, 2021, Western Aircraft, Inc., (“Western”) filed a formal complaint against Suez Water Idaho Inc., (“Suez” or “Company”). Western alleges that it has attempted to resolve its dispute with Suez informally and has been unable to do so.

COMPLAINT

Western alleges 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. *Id.* at 3. More specifically, Western asserts that it receives water service from Suez at its existing airplane hangar (“Hangar 1”) on the south side of the Boise Airport. Western represents it has been building a new, larger hangar (“Hangar 0”) at its location that will be separated from Hangar 1 by a breezeway, which appears to be fully enclosed upon completion. *Id.* Western contends the breezeway area, which is oriented East and West, is within the former right of way of the now abandoned Boeing Street and contains both the historic water main from which Hangar 1 receives water service as well as a preexisting sewer line. *Id.* at 3-4. Western learned that its water line maps did not correctly indicate the existing water line placement locations and depths and that an insufficient separation between the water main and sewer lines appeared to exist in the breezeway area. *Id.* at 4. Western alleges its engineers proposed a revised water connection plan for Hangar 0 which met all DEQ water, sewer and fire line location, separation and crossing requirements. *Id.* Western asserts Suez has unreasonably withheld its approval of this proposal. *Id.* Western also claims that the Company has unreasonably withheld its approval of a second proposal for the Hangar 0 water service connection that it asserts was made by the Commission Staff. *Id.* Further, Western contends that

at Suez's suggestion it obtained a conditional water line separation variance approval from the Idaho Department of Environmental Quality using the breezeway area. *Id.* Western alleges that after it had obtained this variance the Company reversed position and unreasonably withheld its cooperation. *Id.*

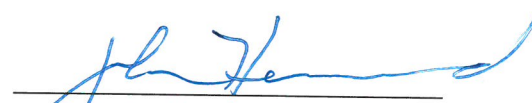
Western requests that the Commission order Suez to allow a temporary domestic water connection to Hangar 0 from the existing Hangar 1 water line. *Id.* at 6. Western also requests additional relief as set forth in the Complaint. *Id.* at 6-7.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Summons to Suez and give the Company 21 days to answer the Summons.

COMMISSION DECISION

Does the Commission wish to issue a Summons for the Complaint to Suez and give the Company 21 days to answer the Summons and Complaint?



John R. Hammond Jr.
Deputy Attorney General