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IDAHO PUBLIC  
UTILITIES COMMISSION

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF SUEZ WATER ) CASE NO. SUZ-W-21-02**  
**IDAHO INC.'s APPLICATION FOR ) ORDER NO. 35130**  
**AMMENDMENT OF ITS CERTIFICATE )**  
**OF PUBLIC CONVENIENCE AND )**  
**NECESSITY )**

**ATOVA, INC.'S  
PETITION FOR RECONSIDERATION AND CLARIFICATION**

COMES NOW Stephen Barbey, Laurie Barbey, and Atova, Inc. (collectively, "Atova"), pursuant to Idaho Code § 61-626 with the following petition for reconsideration and clarification of Order No. 35130.

On April 2, 2021, SUEZ Water Idaho, Inc. ("SUEZ") applied to amend its certified service territory and remove an approximate 520-acre area in unincorporated Ada County. On August 9, 2021, the Commission approved this application based on their assessment that the City of Eagle (the "City") would serve customers in the area if it is no longer in SUEZ's certified area.

While Atova does not contest the Commission's request that the City and SUEZ plan cooperatively for future water service to the unincorporated area, it is our position that this Order fails to recognize the potential to leave future customers with no options for service, as neither the City nor SUEZ would be obligated to extend service to the area.

**For Reconsideration: Amendment to Certificate No. 143 which removed approximately 520-acres from SUEZ's certified service territory.**

While both the City and SUEZ both assert that they are able to expand infrastructure and extend service to the unincorporated area in Ada County, neither are obligated to do so. Atova is in the early stages of development of a 540-acre county subdivision in the area, which will require water service to the buildable lots. Without an obligation to provide service, Atova has been advised that both companies could potentially deny a service request and not include the area in their expansion.

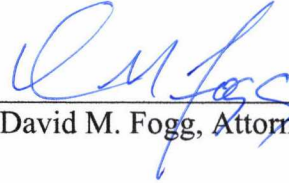
If the Order were to remain in effect as is, future developers, such as Atova, would be left with the option of requesting service from SUEZ, which could be denied, or requesting service

from the City, which requires annexation. Without submitting to the City's request for annexation, future developments are unable to receive water service from the City. This requirement directly contradicts the City's representations in the Order that it will serve customers in the are if it is no longer in SUEZ's certified area.

Atova requests that the Commission reconsider the amendment to Certificate No. 143 which removed the unincorporated area from SUEZ's certified service territory. A reconsideration would obligate SUEZ to include the area in their expansion of the area and provide service to Atova and future developers.

Dated this 27<sup>th</sup> day of August 2021.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. M. Fogg", is written over a horizontal line.

David M. Fogg, Attorney for Atova, Inc.