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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 )**

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**ATOVA, INC.'S REPLY TO SUEZ WATER IDAHO INC.'s RESPONSE  
TO PETITION FOR RECONSIDERATION**

On August 27, 2021, Atova filed a petition for reconsideration of Order No. 35130 pursuant to Idaho Code Idaho Code § 61-626.

On September 3, 2021, SUEZ Water Idaho ("SUEZ"), Inc. submitted a Response in which they respectfully asked that the Petition be denied. SUEZ contends in its Response that Atova had not "identified any aspect of the Commission's Order that is unreasonable, unlawful, or erroneous." SUEZ stated that Atova is "in no way stranded," and that they are "confident [ ] Atova will be able to obtain water service when service becomes necessary." After reviewing SUEZ's Response in its entirety, we respectfully disagree with these arguments and request that the Commission grant Avtova's Petition for Reconsideration.

Atova respectfully submits that the Commission's Order was based on the erroneous information, that Atova could either receive water service from the City of Eagle or SUEZ, and would not be in a position that neither would provide service. Contrary to the previous assertion, it appears that the City of Eagle will only provide water service to new developments, such as Atova, once the development becomes annexed to the City of Eagle. Whether or not this annexation requirement was made clear to the Commission at the time of their original consideration is unclear, and unfortunately, has left our client in the position of potentially not being provided water service from either source.

As both Atova and SUEZ noted in their submissions, one of the legal consequences of the Commission's decision was that SUEZ is no longer legally obligated to provide service to the area. While it is true, as the Response discusses, that the Commission was aware of this legal consequence at the time of the decision, the Order failed to provide guidance to customers requesting service beyond the "hope" that the Water Management Agreement would allow the

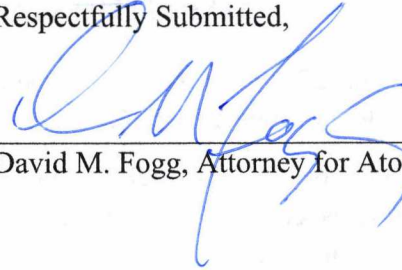
City of Eagle and SUEZ to work together to service the area. This fails to take into consideration the extra requirements required by the City of Eagle (i.e. annexation) to obtain service. It is Atova's position that the Commission's Order was based on incomplete information related to the requirements of the City of Eagle and associated extra burdens on new developments who may not want to annex, which could potentially place Atova in a position to be "stranded" if SUEZ declines to service the area.

While SUEZ states that water service will be available, when necessary (through either SUEZ or the City of Eagle), Atova does not share this confidence. Without a legal obligation to provide service to the area, it is still unclear what effect the Water Management Agreement will have on future water service to the area.

Atova respectfully requests that the Commission takes these considerations under advisement and reconsider its final order.

Dated this 20<sup>th</sup> day of September 2021.

Respectfully Submitted,



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David M. Fogg, Attorney for Atova, Inc.

## CERTIFICATE OF SERVICE

I HERBY CERTIFY that on the 20<sup>th</sup> day of September, 2021, a true and correct copy of the foregoing document was served on the following in the manner indicated:

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Commission Secretary  
Idaho Public Utilities Commission  
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by U.S. Mail  
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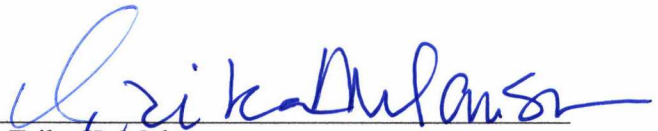
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