

Rick Haruthunian, ISB #11716
RAMSDEN, MARFICE, EALY & DE SMET, LLP
700 Northwest Blvd.
P.O. Box 1336
Coeur d'Alene, ID 83816-1336
Telephone: (208) 664-5818
Facsimile: (208) 664-5884
Email: rharuthunian@rmedlaw.com

*Attorneys for Stoneridge Recreational Club
Condominium Owners Association, Inc.*

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF CDS
STONERIDGE UTILITIES, LLC'S
APPLICATION FOR AUTHORITY TO
INCREASE ITS RATES AND CHARGES
FOR WATER SERVICE IN THE STATE
OF IDAHO

CASE NO. SWS-W-24-01

**STONERIDGE RECREATIONAL CLUB
CONDOMINIUM OWNERS
ASSOCIATION, INC.'S MOTION TO
JOIN INTERVENOR GARRISON'S
OPPOSITION TO MODIFIED
PROCEDURE**

COMES NOW, Intervenor Stoneridge Recreational Club Condominium Owners Association, Inc. ("SRCCOA"), by and through its counsel of record, Ramsden, Marfice, Ealy & De Smet, LLP, and respectfully moves to join *Intervenor Garrison's Opposition to Modified Procedure* as filed on June 10, 2024 ("Garrison Objection"). The SRCCOA moves to join the Garrison Objection out of an abundance of caution pursuant to the impending deadline set forth in IDAPA Rule 202.¹ While reserving possible argument(s) under IDAPA Rules 201 and 202, the SRCCOA respectfully submits this abbreviated objection pursuant to

¹ IDAPA 31.01.01.202.02 provides in pertinent part that "[u]nless otherwise provided by the notice of modified procedure, all interested persons will have at least twenty-one (21) days from the date of the notice to file a written protest or comment."

IDAPA Rule 203² on a precautionary basis with the intention of providing further elaboration as to the need for a technical/evidentiary hearing in the event the *Motion to Suspend this Matter and Vacate Comment Deadlines* (“Motion to Suspend/Vacate”) recently filed by Commission Staff as set for hearing on June 18, 2024, is denied.

In terms of relevant procedural history, on May 28, 2024, the Idaho Public Utilities Commission (“Commission”) issued Order No. 36192 thereby providing its “Notice of Modified Procedure” (“Order”). Pursuant to IDAPA Rule 201,³ notice of such modified procedure strongly suggests that a technical/evidentiary hearing will not be permitted in this matter. On June 13, 2024, Commission Staff filed the Motion to Suspend/Vacate thereby requesting the indefinite suspension of this case pending Applicant’s compliance with the requirements of mandatory law (e.g., IDAPA 31.01.01, Titles 12 and 13 of the Idaho Code, and caselaw), with Applicant’s failure to do so requiring immediate dismissal. It is the SRCCOA’s understanding that a decision to grant the Motion to Suspend/Vacate by the Commission will render the Order as moot, would remove the imposition of modified procedure, and would therefore permit a technical/evidentiary hearing to occur in this matter.⁴ Although the SRCCOA anticipates that the Motion to Suspend/Vacate will be

² IDAPA 31.01.01.203 provides that: “Any person affected by the moving party’s proposal may file a written protest, support or comment Comments must state and explain the person’s position on the proposal. Persons desiring a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. A copy of the person’s comment must be served on the moving party’s representative.”

³ IDAPA 31.01.01.201 provides that the “Commission may preliminarily find that the public interest may not require a technical hearing to consider the issues presented in a proceeding and that the proceeding may be processed under modified procedure, i.e., through written filings in which persons views are expressed through written comments rather than by hearing.”

⁴ The Motion to Suspend/Vacate provides in pertinent part that: “Staff agrees that the intervenors are entitled to discovery and believes that the issues surrounding the provision of discovery will be addressed by the Company obtaining representation—who can then ensure the discovery is promptly provided to the intervenors. Staff also believes that the issue of modified procedure will be unnecessary to address at this time if the Commission chooses to vacate the comment deadlines in this matter.” (Mot. to Suspend/Vacate at p. 3, fn. 2.)

granted, the immediacy of the formal deadline to object to the Order under IDAPA Rule 202.02 (i.e., by June 18, 2024) forces the SRCCOA to file this motion out of an abundance of caution.

Pursuant to IDAPA Rule 203,⁵ the SRCCOA believes that written comment alone will be insufficient to present, explore, and fully address the issues incumbent to the Applicant's requests in this matter and that a technical/evidentiary hearing is therefore necessary. The SRCCOA predicates this belief on Applicant's conduct in responding to party discovery to date (including but not limited to its claims of confidentiality/privilege without requisite certification of legal counsel in contravention of IDAPA Rules 43 and 67 and the fact that it has operated throughout the duration of this matter without such requisite representation). Frankly stated, such a technical/evidentiary hearing will guarantee the SRCCOA and the non-Applicant parties the ability to receive immediate response to its various questions and inquiries through a cross-examination of the Applicant and its agents/representatives/experts/etc., with the ramification of any evasive conduct and/or non-responsive answers being immediately and unmistakably perceptible by the Commission. Moreover, such a technical/evidentiary hearing will provide an additional opportunity for party argument and rebuttal under the power of live testimony, which the parties otherwise would not be privy to as a general matter under the express language of IDAPA Rule 241.04.b.⁶⁷

⁵ IDAPA 31.01.01.203 provides that: "Any person affected by the moving party's proposal may file a written protest, support or comment. Comments must state and explain the person's position on the proposal. Persons desiring a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. A copy of the person's comment must be served on the moving party's representative."

⁶ IDAPA 31.01.01.241.04 provides that: "Types of Formal Hearings. The Commission generally conducts two (2) types of formal public hearings. a. A technical hearing is a public hearing where parties present witnesses and their

Accordingly, for the reasons set forth herein, the SRCCOA respectfully joins Intervenor Garrison in objecting to Order No. 36192 and in formally requesting a technical/evidentiary hearing in the event this matter was permitted to proceed.

DATED this 17th day of June, 2024.

RAMSDEN, MARFICE, EALY & DE SMET, LLP

By /s/ Rick Haruthunian

Rick Haruthunian, Of the Firm
*Attorneys for Stoneridge Recreational Club
Condominium Owners Association, Inc.*

prepared testimony and exhibits. b. A customer hearing is a public hearing for customers, public officials, and other persons not related to parties in the case to provide testimony. Unless otherwise ordered by the presiding officer, parties are prohibited from presenting evidence at the customer hearing.”

⁷ See the Notice of Parties filed in this matter by the Commission on May 1, 2024, therein expressly identifying the parties in this matter.

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2024, I served a true and correct copy of the foregoing Stoneridge Recreational Club Condominium Owners Association, Inc.'s Motion to Join Intervenor Garrison's Opposition to Modified Procedure by e-mailing a copy thereof, to the following:

Michael Duval
Deputy Attorney General
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
Michael.duval@puc.idaho.gov

Chan Karupiah
CDS Stoneridge Utilities, LLC
P.O. Box 298
Blanchard, ID 83804
chansan@comcast.net
utilities@stoneridgeidaho.com

Norman M. Semanko
Patrick M. Ngalamulume
Parsons Behle & Latimer
800 W Main St., Suite 1300
Boise, ID 83702
nsemanko@parsonsbehle.com
pngalamulume@parsonsbehle.com

Randolph Lee Garrison, *pro se*
76 Bellflower Ct.
Blanchard, ID 83804
garrison@rmgarrison.com

By /s/ *Renee Schoonover*

Renee Schoonover