

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: CHRIS BURDIN
DAYN HARDIE
DEPUTYS ATTORNEY GENERAL**

DATE: MARCH 14, 2023

**SUBJECT: IN THE MATTER OF THE APPLICATION OF VEOLIA WATER IDAHO
INC. FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR
WATER SERVICE IN THE STATE OF IDAHO; CASE NO. VEO-W-22-02.**

On March 8, 2023, Veolia Water Idaho, Inc. (“Company”) filed a Request for Permission for Company Witness Matt Kahn to Testify Remotely (“Motion”). The Motion provides in full:

Veolia Water Idaho, Inc. (“Veolia” or “Company”) files this Request for Permission for Company Witness Matt Kahn to Testify Remotely.

As the Commission knows, this rate-case proceeding is scheduled for hearing the first week of April, 2023. The Company filed direct testimony of eleven witnesses. Commission Staff and Micron Technology, Inc. (“Micron”), an intervenor in the case, filed rebuttal testimony of eight additional witnesses, in total.

This Request applies to a single witness: Matthew Kahn. None of the rebuttal testimony cited, addressed, or disputed any aspect of Mr. Kahn’s testimony. Accordingly, Veolia believes that Mr. Kahn will not be the subject of any substantive cross-examination by the parties.

Veolia understands and agrees that the Commission and the parties have the opportunity to ask questions of Mr. Kahn. Veolia also understands and agrees that the Commission has moved to fully in-person hearings, and understands and agrees with the benefits of in-person hearings.

That said, because Mr. Kahn’s testimony was not addressed in rebuttal testimony, the Company would like to avoid the expense and logistics associated with flying Mr. Kahn to Boise to present his testimony in person. If allowed to do so, Veolia proposes that Mr. Kahn present his testimony by telephone or videoconference. This will allow the Commission to ask questions if they would like to do so, but preserve costs and allow the Commission and the parties to focus their questions upon witnesses whose testimony is truly at issue in the case.

Veolia intends to present all of its other witnesses in person.

Veolia respectfully requests expedited consideration of this request to enable travel plans before the hearing.

COMMISSION RULES OF PROCEDURE

Idaho Public Utilities Commission Rule of Procedure 256(3) provides that “[a] motion requesting procedural relief on fewer than fourteen (14) days’ notice is properly filed if it complies with provisions of Rule 256.02.a. and 256.02.b. The Commission may act on the motion without waiting for responses of other parties.” IDAPA 31.01.01.256.03.

Rule of Procedure 256(2)(a-b) provides that the motion must state:


a. The facts supporting its request to act on shorter notice; and

b. 1) That at least one (1) representative of all parties has received actual notice, by telephone or personal delivery of the motion; or 2) stating the efforts made to reach representatives of those parties not contacted and what efforts will continue to be made to contact them. Except as otherwise provided in this paragraph, the Commission will allow at least two (2) days (excluding Saturdays, Sundays and legal holidays) after notification by telephone or actual receipt of the motion for parties to inform the Commission Secretary, either in writing personally delivered to the Secretary or by telephone, whether they support or oppose the motion and whether they desire to be heard on the motion in person, in writing or by telephone.

IDAPA 31.01.01.256.02.

COMMISSION DECISION

Does the Commission wish to grant the Company’s request for Company witness Matt Kahn to testify remotely?


Chris Burdin
Deputy Attorney General

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