

## **DECISION MEMORANDUM**

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: BRANDON KARPEN  
DEPUTY ATTORNEY GENERAL**

**DATE: AUGUST 4, 2016**

**SUBJECT: JOINT STIPULATION AND MOTION TO STAY PROCEEDINGS,  
CASE NO. EAG-W-15-01**

On November 10, 2015, Eagle Water Company filed an Application seeking authority to implement an immediate and temporary surcharge of 53.82% on customers' water usage in excess of 600 cubic feet per month. Eagle Water requested that its Application be processed via Modified Procedure and that the surcharge become effective upon Commission Order. On December 3, 2016, the Commission issued Order No. 33430, issuing notice of Eagle Water's Application, setting an intervention deadline, and suspending the proposed effective date for a period of 90 days, until March 10, 2016.

On March 4, 2016, with Eagle Water's concurrence, Staff filed a Motion to further suspend the proposed effective date in this matter for an additional 90 days, until June 8, 2016. The Commission approved the Motion in Order No 33478. On April 7, 2016, the Staff and Eagle Water (the parties) stipulated to a further suspension to September 6, 2016, and filed a Motion with the Commission to approve the same. The Commission approved the Motion in Order No 33509.

The parties now jointly come before the Commission requesting a stay of proceedings.

### **STIPULATION**

The parties will not be able to reach a resolution in this case before the current suspension date of September 6, 2016. Accordingly, rather than request another suspension, the parties have agreed that this case should be stayed until the Company is fully ready to proceed,

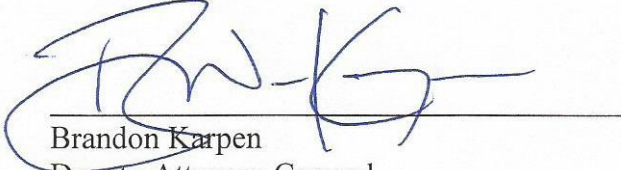
but no longer than one year. *Idaho Code* § 61-622(4) allows the Commission to permanently or further suspend an effective date with the written consent of the applicant (see attached).

**MOTION**

The parties have moved for an Order from the Commission issuing a stay of proceedings, consistent with their Stipulation.

**COMMISSION DECISION**

Does the Commission wish to stay all proceedings in this matter as requested?



Brandon Karpen  
Deputy Attorney General

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*Attorney for Eagle Water Company, Inc.*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF EAGLE WATER</b>	)	<b>CASE NO. EAG-W-15-01</b>
<b>COMPANY'S APPLICATION FOR</b>	)	
<b>AUTHORITY TO IMPLEMENT A</b>	)	<b>JOINT STIPULATION AND</b>
<b>CUSTOMER SURCHARGE</b>	)	<b>MOTION TO STAY PROCEEDINGS</b>
	)	

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The Staff of the Idaho Public Utilities Commission and Eagle Water Company (jointly, "parties"), by and through their counsel of record, stipulate and agree to the following:

**STIPULATION**

1. On November 10, 2015, Eagle Water filed an Application seeking authority to implement a 53.82% surcharge on customers' water usage. Eagle Water requested that its Application be processed via Modified Procedure and that the surcharge become effective in approximately 30 days. On December 3, 2015, the Commission issued Order No. 33430 suspending the proposed effective date for a period of 90 days, until March 10, 2016.
2. On March 4, 2016, with Eagle Water's concurrence, Staff filed a motion to further suspend the proposed effective date in this matter for an additional 90 days, until June 8, 2016. The Commission approved the Motion in Order No. 33478.
3. On April 25, 2016, pursuant to *Idaho Code* § 61-622(4), the parties jointly stipulated to again suspend the effective date in this matter until September 6, 2016. The parties further agreed that by July 1, 2016, Eagle Water would inform Staff of its position on settlement,

JOINT STIPULATION AND  
MOTION TO STAY APPLICATION

or if the Company would rather set a schedule for modified procedure for the Application. The Commission approved this request in Order No. 33509.

4. The parties met and discussed the case on June 28, 2016. At that time, Eagle Water requested additional time to locate documents, and consider a possible settlement.

5. On July 28, 2016, the parties met again. Eagle Water stated at that time that it needed additional time to locate documents and consider alternatives.

6. The parties agree that there is inadequate time to process the case by the September 6, 2016 effective date. Rather than suspending the case for a fourth time, the parties have agreed to request that the Commission grant a stay of all proceedings until such time that all relevant documents can be located by the Company, and a final decision on settlement or proceeding to hearing be made by the Company.

7. Once all relevant documents are located, and a final determination on settlement, if any, is made, the parties will jointly move the Commission for the lifting of the Stay. The parties agree that the stay shall be in effect for no longer than one year, and if no action is taken in this matter by that time, dismissal of the application on Staff motion is proper.

8. The parties agree that a stay is appropriate, and that a further suspension is not in the interest of judicial economy, or a good use of Staff time and resources.

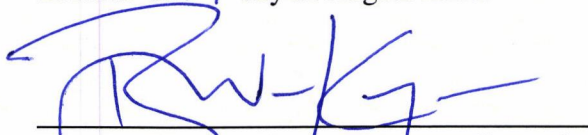
9. Staff, the Company, and its customers will suffer no harm if a stay is granted.

#### **MOTION**


Staff and Eagle Water respectfully request that the Commission enter an Order consistent with the foregoing Stipulation. Specifically, the parties request that the Commission:

1. Issue an Order staying all proceedings in this matter until a joint motion of the parties to lift the stay is made; and
2. If no action is taken in this matter after one year, dismissal of the application on Staff motion is proper.

DATED this 4<sup>th</sup> day of August 2016.

  
\_\_\_\_\_  
Brandon Karpen, Deputy Attorney General  
*Attorney for Commission Staff*

DATED this 4<sup>th</sup> day of August 2016.

  
\_\_\_\_\_  
Molly O'Leary  
*Attorney for Eagle Water Company*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 4<sup>TH</sup> DAY OF AUGUST 2016, SERVED THE FOREGOING **JOINT STIPULATION AND MOTION TO STAY PROCEEDINGS**, IN CASE NO. EAG-W-15-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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PRESIDENT  
EAGLE WATER COMPANY, INC.  
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EAGLE ID 83515  
E-MAIL: [eaglewaterco@gmail.com](mailto:eaglewaterco@gmail.com)



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SECRETARY