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IDAHO PUBLIC  
UTILITIES COMMISSION

*Attorneys for Applicant*

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION  
OF UNITED WATER IDAHO INC. FOR  
AUTHORITY TO INCREASE ITS RATES  
AND CHARGES FOR WATER SERVICE IN  
THE STATE OF IDAHO

Case No. UWI-W-04-04

**RESPONSE TO INTERVENTION  
PETITIONS**

COMES NOW United Water Idaho Inc., (“United” or “the Company”) and responds to intervention petitions filed herein by the City of Boise, Community Action Partnership Association of Idaho (CAPAI), Idaho Rivers United (IRU), Sharon Ullman and Scott L. Campbell.

**Rules Governing Intervention**

The Commission’s Rules of Practice and Procedure set out the standards for determining whether a petition for intervention should be granted. To gain intervenor status a petitioner must show a “direct and substantial interest” in the proceeding. IPUCRP 71. The petition for intervention must “clearly and concisely state the direct and substantial interest” of the petitioner in the proceeding. IPUCRP 72. The Commission may grant the petition if the petition shows a direct and substantial interest and if the Commission makes the additional finding that it would not “unduly broaden the issues.” IPUCRP 74. The Commission may also grant a petition “subject to reasonable restrictions.” And, “If it later appears that an intervenor has no direct or

substantial interest in the proceeding, or that the intervention is not in the public interest, the Commission may dismiss the intervenor from the proceeding.” IPUCRP 74.

As more fully explained below, United believes that the correct application of these rules to the petitions on file should result in granting the petitions of the City of Boise and CAPAI; in granting the petition of United Rivers United, subject to restrictions; and denying the petitions of Sharon Ullman and Scott L. Campbell.

#### **City of Boise**

As both a large consumer of water provided by the Company and as a representative of its citizens, the City, in United’s opinion, has a legitimate direct and substantial interest in the proceedings.

#### **Community Action Partnership of Idaho**

Based on CAPAI’s, or its predecessors’, prior participation in United Water rate cases, and other matters before the Commission, the Company believes the Community Action Partnership is a legitimate advocate for the needs and interests of the low-income community and thus has a direct and substantial interest in the proceeding. United believes CAPI is an appropriate party with whom to discuss the Company’s interest in establishing a low-income assistance program.

#### **Idaho Rivers United**

According to materials available on its website (<http://www.idahorivers.org/iruabout.htm>) the mission of IRU is:

Idaho Rivers United's mission is to protect, restore and improve the rivers of Idaho and the communities that depend on them. Our focus is the ecological integrity of our rivers, but the lens we look through is citizen involvement. We involve our volunteers and members in issues such as establishment of instream flows, protection of wild rivers, keeping rivers clean and healthy, defending at-risk populations of fish, and minimizing the impacts of dams on Idaho's rivers. (Viewed on December 28, 2004).

It its petition, IRU alleges, “many of its members are UWID customers” and that United Water’s “requested rates and charges will adversely [affect] the interests of IRU’s members in ensuring United Water provides efficient services at the lowest possible costs; and ensuring that customers have viable options to conserve water and take shelter from the requested rate increases in this case.” From this, United infers that IRU is interested in the Company’s conservation practices and policies. If granted, IRU’s petition should be restricted to that issue. With respect to rates and charges, the residential class of customers is adequately represented by Staff and CAPAI. Another representative of this class with respect to rates and charges—by an organization without a mission to do so—is, in United’s opinion, duplicative, both in terms of resources and cost to the proceeding.

**Sharon Ullman**

While United recognizes that Ms. Ullman has previously been granted interventions, in this case her petition alleges that her claim of direct and substantial interest is based on her status as an individual ratepayer, not as an authorized representative of some larger group or sub-set of ratepayers. The Commission, to United’s knowledge, has not formally elaborated on the concept of “direct and substantial” interest, but the words “direct” and “substantial” certainly imply some interest over and above a person’s status as a ratepayer, particularly when, as here, the interests of the residential class are adequately represented.

**Scott L. Campbell**

Mr. Campbell’s petition, while not citing any direct reference to a direct and substantial interest, recites the petition is filed “in his individual capacity and on behalf [of] the class of all residential rate payers.” To the extent the intervention is based on his individual status as a ratepayer, the comments above with respect to Ms. Ullman are equally applicable. Further, Mr.

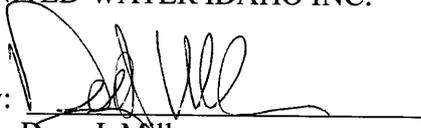
Campbell's assertion that he is acting on behalf of all residential ratepayers is not accompanied by any evidence that he is authorized to do so or that any identifiable group of customers has requested his representation.

**Conclusion**

In this Response United is not seeking to unduly limit public participation in the proceeding. Rather, United is suggesting that a person's permitted level of participation be calibrated by that person's demonstrated degree of interest in the proceeding. For example, persons desiring to communicate their views to the Commission, but whose degree of interest does not rise to the level of "direct and substantial" may be designated as Public Witnesses pursuant to IPUCRP 76. And, persons who desire to monitor the proceeding by receiving copies of pleadings and papers may ask to be included on the Commission's Interested Parties list pursuant to IPUP 39.

DATED this 29<sup>th</sup> day of December, 2004.

UNITED WATER IDAHO INC.

By: 

Dean J. Miller

*Attorney for Applicant*

CERTIFICATE OF SERVICE

I hereby certify that on the 29<sup>th</sup> day of December, 2004, a true and correct copy of the foregoing document was served, by the method(s) indicated below, upon:

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