

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF UNITED WATER IDAHO INC. FOR) CASE NO. UWI-W-04-04
AUTHORITY TO INCREASE ITS RATES)
AND CHARGES FOR WATER SERVICE IN)
THE STATE OF IDAHO) ORDER NO. 29675
)

On November 30, 2004, United Water Idaho Inc. filed an Application with the Commission for authority to increase its rates and charges for water service in the State of Idaho. On December 2, 2004, the Commission issued a Notice of Application, suspended the requested effective date, and established December 22, 2004 as the deadline for Petitions to Intervene. Order No. 29654. The Commission received petitions to intervene from five potential parties, and United Water objected to three of the petitions. One petitioner, Idaho Rivers United, timely submitted a reply to United Water's response. In this Order the Commission grants the petitions to intervene.

BACKGROUND

Persons not original parties to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the Commission granting intervention to become a party. IDAPA 31.01.01.071. The petition must concisely state the direct and substantial interest of the petitioner in the proceeding. IDAPA 31.01.01.072. If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the Commission or the presiding officer may grant intervention, subject to reasonable conditions. IDAPA 31.01.01.074. 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. *Id.* Any party opposing a petition to intervene must do so by motion in opposition. IDAPA 31.01.01.075. The party answering to or responding to the motion will have fourteen days from the time of filing of the last motion in which to respond. IDAPA 31.01.01.256.

The five Petitions to Intervene were filed by the City of Boise, the Community Action Partnership Association of Idaho (CAPAI), Idaho Rivers United (Idaho Rivers), and two individuals--Scott L. Campbell and Sharon Ullman. United Water objected to the Petitions of

Ms. Ullman, Mr. Campbell, and Idaho Rivers. Idaho Rivers filed a reply to United Water's objection on January 5, 2005, which is within 14 days of United Water's objection as required by the Commission's Rules of Procedure. See IDAPA 31.01.01.256. Mr. Campbell filed a reply to United Water's objection late in the afternoon on January 18, 2005, which is outside the time allowed for a response, and was also after the Commission considered the Petitions and United Water's objections at its January 18, 2005 decision meeting. Accordingly, the Commission did not consider Mr. Campbell's response in reaching its decision on his Petition to Intervene. United Water did not object to the Petitions of the City of Boise and CAPAI, and the Commission approved their intervention in separate Orders.

In its objections to the Petitions to Intervene, United Water argued that the two individual petitions should be denied and that Idaho Rivers' participation should be limited. Given Idaho Rivers' charter and stated policies, United Water contended that the group's participation should be limited to the issues involving United Water's conservation policies and practices. Regarding Ms. Ullman's Petition, the Company stated her claim of direct and substantial interest is based only on her status as an individual ratepayer, and not as an authorized representative of some larger group or sub-set of ratepayers. The Company argued that the requirement of a "direct and substantial interest" implies an interest over and above a person's status as a ratepayer, particularly in light of the fact that the interests of the residential class are adequately represented by Staff. United Water stated the same argument regarding Mr. Campbell's Petition, and in addition noted that Mr. Campbell's assertion he is acting on behalf of all residential ratepayers is not supported by any evidence he is authorized to do so, or that any identifiable group of customers requested his representation.

DISCUSSION

We find, based on the pleadings filed in this case, that intervention by Idaho Rivers and by Sharon Ullman and Scott L. Campbell in their individual capacity, will serve the purposes of intervention as described by Rule 74 of the Rules of Procedure and should be granted. Consistent with the legislature's stated policy "to encourage participation at all stages of all proceedings before the commission so that all affected customers will receive full and fair representation," the Commission has liberally allowed intervention and encouraged public participation. See *Idaho Code* § 61-617A. If it subsequently appears that a party's intervention is not in the public interest, or that issues are unduly broadened by an intervenor, the

Commission may place limits on the party's participation or even dismiss the intervenor from the proceeding. IDAPA 31.01.01.074. The Commission will approve the Petitions to Intervene without limitations or conditions, and will address objections about an intervenor's participation in the future should they arise. There is nothing in the record, however, to indicate that either Ms. Ullman or Mr. Campbell are authorized representatives of any customer group, and their Petitions to Intervene will be granted only as individual residential customers. We also remind the parties that approval of petitions to intervene does not assure that intervenor funding will be awarded to any particular intervenor, as that determination is governed by *Idaho Code* § 61-617A.

ORDER

IT IS HEREBY ORDERED that the Petition to Intervene filed by Sharon Ullman is granted as to her individual capacity.

IT IS FURTHER ORDERED that the Petition to Intervene filed by Scott L. Campbell is granted as to his individual capacity.

IT IS FURTHER ORDERED that the Petition to Intervene filed by Idaho Rivers United is granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. These Intervenors are represented by the following for purposes of service:

Sharon Ullman
9627 W. Desert Avenue
Boise, ID 83709

Scott L. Campbell
101 S. Capitol Boulevard, 10th Floor
PO Box 829
Boise, ID 83701

William M. Eddie
Advocates for the West
PO Box 1612
Boise, ID 83701

Bill Sedivy
Idaho Rivers United
PO Box 633
Boise, ID 83701

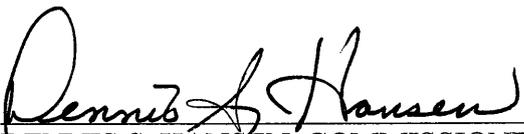
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th
day of January 2005.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:UWIW0401_in6