

Dean J. Miller (ISB #1968)
McDEVITT & MILLER LLP
420 West Bannock Street
P.O. Box 2564-83701
Boise, ID 83702
Tel: 208.343.7500
Fax: 208.336.6912
joe@mcdevitt-miller.com

RECEIVED
MAY 20 2006 11:09
PUBLIC UTILITIES COMMISSION

Attorneys for United Water Idaho Inc.

ORIGINAL

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

Case No. UWI-W-06-02

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

**RESPONSE OF UNITED WATER
IDAHO TO PETITION TO
INTERVENE OF BRACE**

COMES NOW United Water Idaho Inc., (“United Water”) and responds to the Petition of Boise Residents Against Commercial Exploitation (BRACE) dated March 16, 2006 as follows, to wit:

The Commission’s procedural rule 72 requires that a petition to intervene must “clearly and concisely state the direct and substantial interest of the petitioner in the proceeding.” United Water respectfully requests that the Commission carefully evaluate the Petition in light of this standard. Upon doing so, it will be noted that the Petition provides no information about the history or institutional substance of BRACE Inc., an entity that has never previously appeared before the Commission.

The Petition recites only that BRACE is a non-profit corporation formed to “protect its members from United Water Idaho, Inc.’s unreasonable rate increases.” (Petition pg. 1). It does

not identify who its members are, if, in fact, there are any. And, the recital in the petition conflicts with BRACE's stated corporate purpose in its representations to the Idaho Secretary of State where, in its Articles of Incorporation, the corporate purpose is described as, "Educate the public concerning municipal water ownership issues." (See Attachment A).

If the Commission nonetheless concludes that the threshold standard for intervention is met, United Water strongly urges that the Commission permit the intervention "subject to reasonable conditions," as authorized by Rule 74. That rule further provides, "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."

United Water suggests that two conditions be imposed. First, United Water has submitted to BRACE a series of interrogatories aimed at gaining a full understanding of the interest of BRACE in the proceeding. Copies are attached as Attachment B. When answers to those interrogatories are filed, the Commission can determine if "it later appears that an intervenor has no direct or substantial interest in the proceeding."

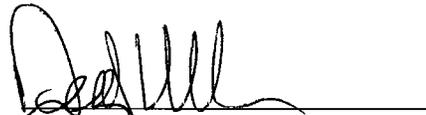
As a second condition United Water suggests that BRACE be required, in accordance with the schedule to be established by the Commission, to file written pre-filed testimony. This will serve to ensure that BRACE, in fact, has legitimate issues to present bearing on rates which United Water may appropriately charge its customers. Equally important, it will serve to define the relevant parameters for cross-examination of company witnesses. The Commission will recall that in case No. UWI-W-04-04, Mr. Campbell, who then appeared on his own behalf, and now appears on behalf of the newly formed corporation—which he incorporated—consumed substantial amounts of the Commission's hearing time cross examining witnesses on topics that

ultimately proved to be irrelevant to the Commission's decision. A requirement that BRACE file written pre-filed testimony would prevent the recurrence of this abuse.

Conclusion

For the foregoing reasons United Water respectfully requests that the Commission carefully evaluate the Petition to determine its compliance with the rules for intervention. If the Petition is granted, it should be subject to reasonable restrictions: first that Commission reserve the right to re-evaluate the direct and substantial interest of BRACE in the proceeding; and second, that BRACE be required to file written pre-filed testimony.

DATED this 14 day of March 2006.

A handwritten signature in black ink, appearing to read 'D. Miller', written over a horizontal line.

Dean J. Miller

Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2006, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074
jjewell@puc.state.id.us

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

Scott L. Campbell, Esquire
MOFFATT, THOMAS, BARRETT ROCK &
FIELDS, CHARTERED
P.O. Box 829
Boise, ID 83701

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email



Legal Asst.