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Chas. F. McDevitt
Dean J. (Joe) Miller

April 26, 2006

Via Hand Delivery

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83720

Re: Case No. UWI-W-06-02

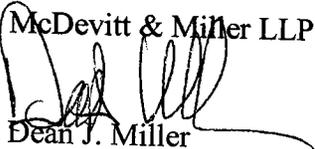
Dear Ms. Jewell:

Enclosed for filing in the above matter please find the original and seven (7) copies of a Motion For Order Compelling Discovery.

An additional copy of the document and this letter is included for return to me with your file stamp thereon.

Very Truly Yours,

McDevitt & Miller LLP


Dean J. Miller

DJM/hh

Dean J. Miller (ISB #1968)
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RECEIVED
MAY 17 2006
PUBLIC UTILITIES COMMISSION

Attorneys for United Water Idaho Inc.

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-06-02

**MOTION FOR ORDER
COMPELLING DISCOVERY**

COMES NOW United Water Idaho Inc., ("United Water") and pursuant to IPUCRP 225.03 and IRCP 37(a)(2) and moves the Commission for an Order compelling the Intervenor BRACE to respond to previously submitted discovery requests, and in support thereof, respectfully shows as follows:

I.

On March 22, 2006, United Water submitted to BRACE the attached First Interrogatories and Request for Production of Documents.

II.

The First Interrogatories and Request for Production of Documents requested that BRACE respond within fifteen (15) days.

III.

BRACE has failed, refused, and neglected to either object to the First Interrogatories and Request for Production of Documents or to provide responses thereto.

IV.

More than twenty-eight (28) days have passed since service of the First Interrogatories and Request for Production of Documents. (*See* IPUCRP 225.03).

V.

Oral argument is not requested.

VI.

Pursuant to IPUCRP 256 BRACE has received actual notice of this Motion and United Water respectfully requests that the Commission act upon the Motion with less than fourteen (14) days notice.

WHEREFORE United Water respectfully requests that the Commission enter its Order compelling BRACE to promptly provide answers to the First Interrogatories and Request for Production of Documents. 

DATED this 16 day of April 2006.



Dean J. Miller

Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of April, 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

Heather Houle, Legal Asst

Dean J. Miller (ISB #1968)
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Attorneys for United Water Idaho Inc.

COPY

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

**UNITED WATER'S FIRST
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS TO BOISE
RESIDENTS AGAINST
COMMERCIAL EXPLOITATION,
INC.**

TO: Boise Residents Against Commercial Exploitation, Inc. ("BRACE")

NOTICE

YOU WILL PLEASE TAKE NOTICE that you are hereby required to answer in writing the following interrogatories and request for production of documents within fifteen (15) days from the date of service hereof.

INSTRUCTIONS

1. **Procedure.** You have a duty, pursuant to Rule 26(e) of the Idaho Rules of Civil Procedure, to reasonably supplement and amend your responses.
2. **Privilege.** If, in responding or failing to respond to the discovery requested herein, you invoke or rely upon any privilege of any kind, please state specifically the nature of the

privilege and the basis upon which you invoke, rely upon, or claim it, and identify all documents or other information, including contracts and communications, which you believe to be embraced by the privilege invoked.

INTERROGATORIES

Interrogatory No. 1. According to the Articles of Incorporation of BRACE on file with the office of the Idaho Secretary of State, the corporate purpose of BRACE is to “Educate the public concerning municipal water system ownership issues.” Please provide a narrative description of all activities undertaken since inception of the corporation that constitute educating the public concerning municipal water system ownership issues.

Interrogatory No. 2. Explain how intervention in this proceeding will advance the corporate purpose of educating the public concerning municipal water system ownership issues.

Interrogatory No. 3. Provide a list identifying all administrative, regulatory and judicial proceedings in which Mr. Campbell has represented parties with interests adverse to United Water during the past 36 months, excluding IPUC Case No. UWI-W-04-4. Identify the client represented by Mr. Campbell and the general nature of the proceeding.

REQUESTS FOR PRODUCTION

Request for Production No. 1. Please provide the corporate by-laws of BRACE.

Request for Production No. 2. Please provide certified copies by the corporate secretary of all minutes of all meetings of the members of BRACE.

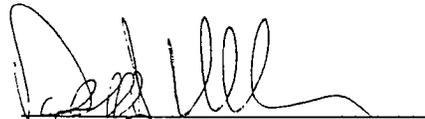
Request for Production No. 3. Please provide certified copies by the corporate secretary of all minutes of all meetings of the Board of Directors of BRACE.

Request for Production No. 4. Please provide a list certified by the corporate secretary of members of BRACE and indicate which members are customers of United Water.

Request for Production No. 5. Please provide copies of any literature, pamphlets or similar materials distributed to the public as part of a program to educate the public concerning municipal water system ownership issues.

Request for Production No. 5. Please provide copies certified by the corporate secretary of all corporate resolutions and/or corporate minutes authorizing BRACE's intervention in this proceeding.

DATED this 22 day of March, 2006.

A handwritten signature in black ink, appearing to read "Dean J. Miller", written over a horizontal line.

Dean J. Miller

Attorneys for United Water Idaho Inc.

CERTIFICATE OF SERVICE

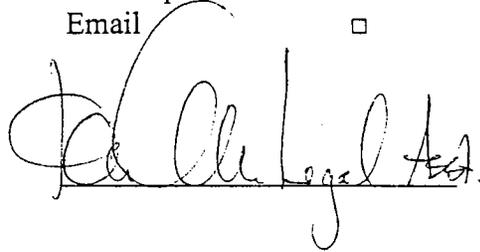
I hereby certify that on the 12nd day of March, 2006, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

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



Handwritten signature of Scott L. Campbell, Esquire, with the text "Scott L. Campbell Esq." written below it.