

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF UNITED WATER IDAHO INC. FOR ) CASE NO. UWI-W-06-2  
AUTHORITY TO INCREASE ITS RATES )  
AND CHARGES FOR WATER SERVICE IN ) ORDER NO. 30010  
THE STATE OF IDAHO )**

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Boise Residents Against Commercial Exploitation, Inc. (BRACE) filed a Petition to Intervene in this case on March 16, 2006, pursuant to the Commission's Rules of Procedure 71 through 75, IDAPA 31.01.01.071-.075. On March 22, 2006, United Water Idaho Inc. submitted Interrogatories and Requests for Production to BRACE, and on March 28, 2006, United Water filed a response to BRACE's Petition. With this Order the Commission grants BRACE's Petition to Intervene.

Persons who claim a direct and substantial interest in a 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 a direct and substantial interest in any part of the subject matter of a proceeding and intervention would 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.*

BRACE's Petition states it is a non-profit corporation formed to protect its members from unreasonable rate increases, and alleges United Water is not entitled to its requested rate increase, and that the Commission should instead decrease the Company's rates. BRACE Petition, p. 1. In its response, United Water requests that the Commission carefully evaluate whether BRACE's Petition meets the standard of intervention to "clearly and concisely state the direct and substantial interest of the petitioner in the proceeding." Rule 72; United Water Response, p. 1. United Water suggests, if the Commission grants the Petition, it impose two conditions: first, that the Commission review BRACE's responses to the Company's interrogatories when filed to determine "if it later appears that [BRACE] has no direct and

substantial interest in the proceeding,” and second, that BRACE be required to file written, prefiled testimony according to the procedural schedule adopted by the Commission.

We find based on BRACE’s Petition that approving its intervention would generally serve the purposes of intervention as described in Rule 74 and should therefore 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 liberally allows intervention and encourages public participation. *See Idaho Code* § 61-617A. If it subsequently appears, however, that BRACE does not have a direct and substantial interest in the proceeding, or that issues are unduly or unnecessarily broadened by BRACE’s participation as a party, the Commission may place limits on BRACE’s participation or even dismiss BRACE from the proceeding. IDAPA 31.01.01.074.

#### **ORDER**

IT IS HEREBY ORDERED that the Petition to Intervene filed by the Boise Residents Against Commercial Exploitation, Inc. 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. This Intervenor is represented by the following for purposes of service:

Scott L. Campbell  
Moffatt, Thomas, Barrett, Rock &  
Fields, Chartered  
101 S. Capitol Boulevard, 10<sup>th</sup> Floor  
PO Box 829  
Boise, ID 83701  
E-mail: [slc@moffatt.com](mailto:slc@moffatt.com)

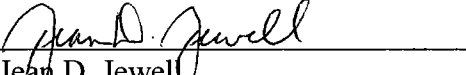
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12<sup>th</sup>  
day of April 2006.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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