

McDevitt & Miller LLP

Lawyers

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P.O. Box 2564-83701

Boise, Idaho 83702

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2007 MAR -6 PM 3:16

IDaho PUBLIC
UTILITIES COMMISSION

(208) 343-7500
(208) 336-6912 (Fax)

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

March 6, 2007

Via Hand Delivery

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

Re: Case No. UWI-W-06-04

Dear Ms. Jewell:

Enclosed for filing in the above matter please find the original and seven (7) copies of United Water Idaho Inc's Motion to Reestablish Procedural Schedule.

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
Attach.

Dean J. Miller (ISB No. 1968)
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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF UNITED WATER IDAHO INC., TO AMEND AND REVISE CERTIFICATE OF CONVENIENCE AND NECESSITY NO 143)))))	CASE NO. UWI-W-06-04 MOTION TO REESTABLISH PROCEDURAL SCHEDULE
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COMES NOW United Water Idaho Inc., (“United Water”) and moves the Commission for an order re-establishing a procedural schedule in this matter, and in support thereof respectfully shows as follows:

1. United Water’s Application to amend its Certificated of Public Convenience and Necessity to include the Trailhead Community was filed herein on April 26, 2006. Thereafter, the Commission issued its Notice of the Application and Notice of Intervention Deadline. On September 8, 2006, the City of Eagle filed a formal Petition to Intervene, which was granted by the Commission on September 19, 2006.
2. During this period of time United Water officials and City of Eagle officials met with representatives of the developer of the Trailhead Community, Kastera Homes, (“Kastera”) in an effort to resolve the matter by agreement. The parties informally agreed to hold the matter in abeyance pending these negotiations.

3. Thereafter Kastera and the City of Eagle entered into discussions regarding possible annexation of the Trailhead Community into the City of Eagle.

4. On February 20, 2006, Kastera sent letters to United Water and to the City of Eagle, true copies of which are attached hereto as Exhibits A and B. In general, the letters indicate that negotiations between the City of Eagle and Kastera for annexation were unsuccessful and that Kastera now firmly desires to obtain domestic water service from United Water.

WHEREFORE, United Water respectfully requests that the Commission convene a pre-hearing conference to discuss scheduling of further proceedings or enter its order establishing a procedural schedule.

DATED this 6 day of March, 2007.

UNITED WATER IDAHO INC.

By: 

Dean J. Miller

Attorney for United Water Idaho Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of March, 2007, 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

Bruce M. Smith
MOORE SMITH BUXTON & TURCKE
225 N. 9th Street, Suite 420
Boise, ID 83702

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

Madhu Hule, Legal Asst.



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2007 FEB 21 AM 8:08
IDAHO PUBLIC
UTILITIES COMMISSION

February 20, 2007

Gregory P. Wyatt, Vice President
United Water Idaho Inc.
8248 West Victory Road, P.O. Box 190420
Boise, Idaho 83719-0420

RE: ID PUC Case No. UWI-W-06-04

Dear Mr. Wyatt,

Thank you for taking time out of your busy schedule to discuss water service issues with me. I appreciate and understand that water is a high priority with all developers in the Treasure Valley and you and your staffs' expertise in this matter is very helpful.

Per our February 20, 2007, telephone conference, Kastera LLC is submitting to United Water in writing a request for water services to Kastera's Trailhead Community in the North Ada County Foothills. Kastera LLC will be making application with Ada County for development of this project. We desire United Water service for our Trailhead Community.

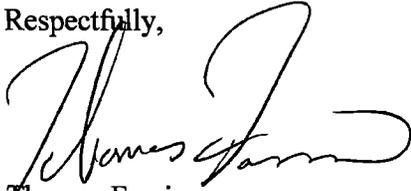
Kastera LLC was in negotiation with the City of Eagle and surrounding neighbors to the Trailhead Community for an annexation path. This path did not materialize and as such the City of Eagle is not able to provide water service to our project. Kastera LLC has requested, in a letter dated February 15, 2007, to the City of Eagle, a withdrawal of both our Annexation and Rezone Applications immediately (letter to Eagle is included as an attachment to this letter).

For the benefit of all parties involved, Kastera LLC will not discuss any annexation or water service requests from the City of Eagle, Idaho for this specific project. We realize that United Water has requested an expansion of its service area to include Kastera's Trailhead Community from the Idaho Public Utilities Commission and as such Kastera agrees that it makes sense to coordinate with United Water on providing water service to our project.

Again, we thank you for your time on this matter and we look forward to moving forward with United Water on this exciting project.

EXHIBIT A
PAGE 1 OF 2

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas Fassino". The signature is fluid and cursive, with a large initial "T" and "F".

Thomas Fassino
Project Manager

Enclosure: Copy of Withdrawal Request to the City of Eagle

Cc: Mayor Nancy Merrill, City of Eagle, Idaho
Scott Woodbury, Deputy Attorney General, IDPUC
John Lee, United Water



February 15, 2007

Honorable Nancy C. Merrill, Mayor and City Council Members
The City of Eagle
660 E. Civic Lane
Eagle, Idaho 83616

Dear Mayor and Council Members:

Kastera, LLC is requesting a withdrawal of its annexation and rezone applications for the Trailhead development submitted to the City of Eagle, Idaho in December of 2006 . Kastera would also request that the application along with application fees be returned by mail to

Kastera Homes
ATTN: Thomas Fassino
372 S. Eagle Rd., Suite
Eagle, ID 83616.

Kastera would like to thank the City of Eagle and its staff for all the hard work and commitment offered in trying to negotiate an annexation path in an attempt to get Trailhead into the City of Eagle. We also hold no fault to Eagle for the unfortunate unraveling of negotiations concerning the annexation path and Kastera eagerly looks forward to a future date when the opportunity may present itself to work together on joint interests.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas Fassino", is written over the typed name.

Thomas Fassino
Project Manager

EXHIBIT B
PAGE 1 OF 1