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IDAHO PUBLIC
UTILITIES COMMISSION

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

April 20, 2007

Via Hand Delivery

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

Re: Case No. UWI-W-07-01

Dear Ms. Jewell:

Enclosed for filing in the above matter, please find the original and seven (7) copies of United Water's Objection to City of Eagle Comments.

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

Thank you for your assistance.

Very Truly Yours,

McDevitt & Miller LLP



Dean J. Miller

DJM/hh
Enclosures

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

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 AMEND AND REVISE)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 143 AND FOR)
APPROVAL OF A SPECIAL FACILITIES)
AGREEMENT WITH AVIMOR LLC.)

CASE NO. UWI-W-07-01

**OBJECTION TO CITY OF EAGLE
COMMENTS**

COMES NOW United Water Idaho Inc., (“United Water”) and objects to consideration by the Commission of the Letter Comments (“Letter Comments”) of the City of Eagle submitted herein on March 19, 2007, upon the following grounds and reasons:

1. No Service. The Commission’s procedural order, Order No. 30342, required parties filing written comments to serve those comments on counsel for United Water. The procedural order is consistent with IPUCRP 203 which requires service of comments and protests upon the designated representative of the moving party.

Further, the Letter Comments were apparently transmitted by facsimile, but, in violation of IPUCRP 61.02, the original was not delivered to the Commission by the next working day.

The undersigned certifies he was not served with a copy of the Letter Comments.

2. Untimely. The Commission's procedural order established a comment deadline of March 14, 2007. The facsimile time stamp on the Letter Comments bears the date of March 19, 2007. On their face, it is apparent that the Letter Comments were untimely. The Letter Comments do not contain any allegation of hardship, excusable neglect, or any other justification for late filing. (It is unclear whether the Commission has accepted the Letter Comments for filing, as the version posted on the Commission website does not contain the Commission's file stamp).

As noted above, while the Letter Comments were posted on the Commission's website, there is nothing in the Commission's rules that makes website posting a substitute for service required by Commission orders and procedural rules. Counsel for parties of record should not be required to continually monitor the Commission's website on the off-chance that untimely comments might be submitted to the Commission.

3. No Standing. IPUCRP 203 provides that comments may be filed by "persons affected by the proposal of the moving party." This is similar to the Commission's rule that persons desiring to intervene in a proceeding must show a "direct and substantial interest" in the proceeding. *See* IPUCRP 72.

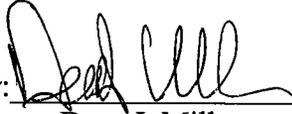
The Letter Comments do not contain any explanation of the City's purported interest in this proceeding or how the City might be harmed by approving United Water's Application. There is, for example, no allegation that the area in question is within the City's area of city impact or other planning area. In short, the Letter Comments appear to be purely gratuitous.

Conclusion

For the reasons and authorities cited herein, United Water objects to consideration of the City of Eagle Letter Comments.

DATED this 20 day of April, 2007.

UNITED WATER IDAHO INC.

By:  _____

Dean J. Miller
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Boise, Idaho 83702
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Attorney for United Water

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2007, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary	Hand Delivered	<input checked="" type="checkbox"/>
Idaho Public Utilities Commission	U.S. Mail	<input type="checkbox"/>
472 West Washington Street	Fax	<input type="checkbox"/>
P.O. Box 83720	Fed. Express	<input type="checkbox"/>
Boise, ID 83720-0074	Email	<input type="checkbox"/>
<u>jjewell@puc.state.id.us</u>		

Weldon Stutzman	Hand Delivered	<input checked="" type="checkbox"/>
Deputy Attorney General	U.S. Mail	<input type="checkbox"/>
Idaho Public Utilities Commission	Fax	<input type="checkbox"/>
472 W. Washington	Fed. Express	<input type="checkbox"/>
Boise, ID 83702	Email	<input type="checkbox"/>

Bruce Smith	Hand Delivered	<input type="checkbox"/>
MOORE, SMITH, BUXTON & TURCKE	U.S. Mail	<input type="checkbox"/>
950 W. Bannock, Suite 520	Fax	<input type="checkbox"/>
Boise, ID 83702-5716	Fed. Express	<input type="checkbox"/>
	Email	<input checked="" type="checkbox"/>

John R. Hammond Jr.	Hand Delivered	<input type="checkbox"/>
BATT & FISHER	U.S. Mail	<input type="checkbox"/>
P.O. Box 1308	Fax	<input type="checkbox"/>
Boise, ID 83701	Fed. Express	<input type="checkbox"/>
	Email	<input checked="" type="checkbox"/>

BY: Heather Hrub, legal assist.
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