

# ORIGINAL

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2007 MAY 11 AM 9:54  
IDAHO PUBLIC UTILITIES COMMISSION

Attorney for City of Eagle, Idaho

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )	
UNITED WATER IDAHO INC., FOR )	Case No. UWI-W-07-01
AUTHORITY TO AMEND AND REVISE )	<b>CITY OF EAGLE'S PETITION</b>
CERTIFICATE OF PUBLIC CONVENIENCE )	<b>TO INTERVENE</b>
AND NECESSITY NO. 143 AND FOR )	
APPROVAL OF A SPECIAL FACILITIES )	
AGREEMENT WITH AVIMOR LLC )	
)	
)	
)	
)	
)	

COMES NOW, the City of Eagle, Idaho, by and through its attorneys of record, Moore Smith Buxton & Turcke, Chartered, hereby petition the Public Utilities Commission ("PUC") for intervention in the above-entitled matter as a party pursuant to Rules 71 through 75 of the PUC Rules of Practice and Procedure, IDAPA 31.01.01.071-.075. The grounds for this petition are stated as follows:

(1) The name and address of this Intervenor is:

City of Eagle  
660 E. Civic Ln  
PO Box 1520  
Eagle, Idaho 83616

This Intervenor will be represented by:

Bruce M. Smith  
Susan E. Buxton  
Moore Smith Buxton & Turcke, Chartered  
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- (2) Avimor LLC has filed an application for a Comprehensive Plan Map Amendment to establish a Designation of Foothills Cluster and Foothills Conservation, with the City of Eagle. Such application is scheduled for public hearing before the Eagle Planning and Zoning Commission on Monday, May 14, 2007. That application before the City of Eagle is referred to as CPA-10-06. A true and correct copy of the Staff Report for CPA-10-06 is attached to Affidavit of Susan E. Buxton filed contemporaneously herewith.

Avimor LLC's application indicates its intent to annex into the territorial limits of the City of Eagle and comply with the City of Eagle's ordinance requiring that development within the City connect to the City water system. Avimor LLC's request to the City included a map showing the City's water service area. See Exhibit A attached to the Affidavit of Susan E. Buxton, filed contemporaneously herewith. Avimor LLC has agreed to said map as part of their application to the City of Eagle. Id.

The City of Eagle filed its comments to UWI's case on March 19, 2007 indicating the City's concern with the Special Facilities Agreement and the extension of UWI's certificated area. UWI has filed its objection to said comments on April 20, 2007.

The City of Eagle will be prejudiced by any grant of UWI's certificated area

encompassing the area identified as the “Avimor Sub-Area” included in the CPA-10-06 Staff report and attached map, Exhibit A to Affidavit of Susan E. Buxton. Further, such grant by the PUC would materially change Avimor LLC’s application before the City if UWI’s certificated area is expanded west of the area identified in the map. Id.

UWI is not prejudiced or delayed by Eagle’s intervention and participation in this proceeding as they have already filed their objection to Eagle’s comments. In addition to the City’s comments already filed, the City is concerned about expansion of UWI’s certificated area west of the area on the map attached to the Eagle Staff report because Avimor LLC and Eagle have agreed that said area, once annexed to the City, will be served by a municipally-owned water system.

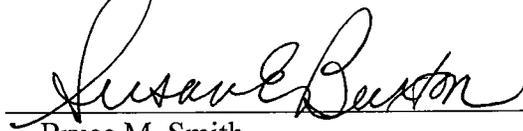
- (3) The City of Eagle has a direct and substantial interest in this proceeding and intends to participate in all respects as a party may be required to undertake. The City’s participation will not unduly delay, or broaden the issues in this proceeding.
- (4) Without the ability to intervene, the City would be without an effective manner or means of participating in the lawful determination of issues raised in this case, particularly those raised by the Commission Staff Comments regarding the geographical extent of UWI’s certificated area to the west of the core project.

WHEREFORE, the City of Eagle requests the Commission grant this Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate, present evidence, file witness testimony, call and examine witnesses, cross-examine witnesses, present argument and otherwise participate as a party in this matter.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of May, 2007.

MOORE SMITH BUXTON & TURCKE,  
CHARTERED

By:

A handwritten signature in cursive script, appearing to read "Susan E. Buxton", written over a horizontal line.

Bruce M. Smith

Susan E. Buxton

Attorney for City of Eagle, Idaho

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> of May 2007, I caused to be served, via hand delivery, true and correct copies of the foregoing document, to the following:

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Susan E. Buxton  
Attorney for City of Eagle