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 IDAHO PUBLIC
 UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	CASE NO. UWI-W-09-1
OF UNITED WATER IDAHO, INC. FOR)	
AUTHORITY TO INCREASE ITS RATES)	COMMUNITY ACTION
AND CHARGES IN THE STATE OF)	PARTNERSHIP ASSOCIA-
IDAHO.)	TION OF IDAHO'S APPLIC-
)	ATION FOR INTERVENOR
)	FUNDING
)	

COMES NOW, Applicant Community Action Partnership Association of Idaho (CAPAI) and, pursuant to Idaho Code § 61-617A and Rules 161-165 of the Commission's Rules of Procedure, IDAPA 31.01.01, applies to this Commission for an award of intervenor funding in the above-captioned proceeding.

Rule 161 Requirements

United Water Idaho ("UWI") is a regulated, public water utility with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

(01) Itemized list of Expenses

An itemized list of CAPAI's expenses which it seeks to recover is contained in Exhibit "A" to this Application.

(02) Statement of Proposed Findings

The proposed findings and recommendations of CAPAI are set forth in the direct, prefiled testimony of Mary Chant and reflected in the Settlement Stipulation executed by the parties to this case. As the Commission noted in various Notices and Orders issued prior to its final order in this case,¹ several events transpired prompting the Commission to deviate from the typical prefile of direct testimony and exhibits followed by a technical hearing. Prior to the previously established testimony/exhibit prefile deadlines, the three parties to this proceeding, UWI, Commission Staff and CAPAI, executed a Settlement Stipulation including all aspects of the Company's filing, as well as issues raised by Staff and CAPAI. As a result, the Commission opted to conduct a "public comment" rather than "technical" hearing to give the parties and all other interested persons the opportunity to comment on the Settlement Stipulation reached by the three parties.

The public hearing was conducted on February 22, 2010. By that point in time, CAPAI had already filed the testimony of Mary Chant. Due to the Commission's selected procedure, CAPAI filed Ms. Chant's testimony as "comments" considering that no formal testimony or exhibits were to be spread or entered into the formal record of the case other than as comments. The other parties to this case similarly relied upon prefiled testimony and exhibits to serve as comments to the Commission regarding the Settlement.

(03) Statement Showing Costs

CAPAI submits that the costs and fees incurred in this case, and set forth in Exhibit "A," are reasonable in amount. CAPAI fully participated in every settlement discussion conducted in this case and provided input throughout the process. In addition to the numerous meetings conducted, there were significant other forms of communication, internal analyses, side bar

¹ Order No. 31016

discussions, discovery, and other activities that required considerable work on the part of CAPAI personnel and its legal counsel.

(04) Explanation of Cost Statement

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho. CAPAI's funding for any given effort might come from a different variety of sources, including governmental. Many of those funding sources, however, are unpredictable and impose conditions or limitations on the scope and nature of work eligible for funding. CAPAI, therefore, has relatively little "discretionary" funds available and what little exists must cover a variety of competing projects. CAPAI has incurred considerable expense participating in this very important proceeding. There are numerous other examples of projects worthy of CAPAI's involvement but for which funding is unavailable.

Thus, were it not for the availability of intervenor funds and past awards by this Commission, CAPAI would not be able to participate in cases before this Commission leaving a gap not likely to be filled by any other entity. Even with intervenor funding, participation in Commission cases constitutes a significant financial hardship in terms of cash flow because CAPAI must pay its expenses as they are incurred, not if and when intervenor funding becomes available.

(05) Statement of Difference

Regarding CAPAI's "Statement of Difference," it is fair to say that there were numerous differences of opinion on a multitude of issues between the parties as the two day settlement process unfolded. Though paragraph 20 of the Settlement Stipulation prohibits the signatories from discussing statements made and positions taken during the settlement negotiations, like any settlement stipulation, the final document reflects a number of compromises of position by the

various parties. Nonetheless, each of the three parties supports the Settlement Stipulation in its entirety.

The initial procedural handling of this case, however, was somewhat problematic for CAPAI. UWI filed a Motion for Order Waiving Requirement for Cost of Service Study² in July, 2009, prior to the actual filing of the rate case Application and, obviously, before the Commission's Notice of Application and Intervention Deadline was issued. The Commission granted UWI's Motion on July 16, 2009, two weeks after it was filed.³ Thus, CAPAI had had no feasible way of knowing that the Motion had been filed and no ability to challenge it until well after it had been granted. In fact, CAPAI was unaware of the Motion and Order until January, 2010 on the day settlement negotiations commenced.

CAPAI fully acknowledges that the challenges that resulted from this sequence of events were not intended by any entity. Regardless, by the time the parties met to discuss settlement, CAPAI, unaware of the limitations of the scope of the case, had invested considerable time and effort into analyzing and proposing rate design changes preparing to propose them at technical hearing, should the case have proceeded to that point. Without revealing the details of CAPAI's position on rate design issues, it is fair to say that there existed a material difference of opinion between Staff and CAPAI for purposes of IDAPA 31.01.162(5).⁴

In addition, CAPAI was the only party to propose that UWI agree to discuss possible changes to its "United Water Cares Program" and to analyze means in which to better inform its customers of ways to reduce water consumption. The Commission agreed with all of these

² **The Motion also sought authority to not address rate design issues, including seasonal rate differentials.**

³ See, Order No. 30865.

⁴ The Rule of Procedure requiring a material difference between an intervenor and Staff to qualify for funding.

proposals and, among other things, directed the parties to convene an informal workshop to discuss United Water Cares and water conservation.⁵

Based on the foregoing, CAPAI respectfully submits that it took positions materially different than the Commission Staff in this proceeding.

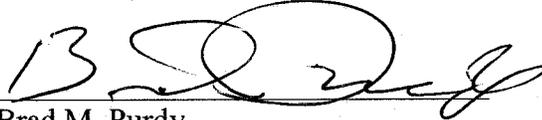
06) Statement of Recommendation

Again, the Settlement Stipulation, and how it benefits the general body of ratepayers, largely speaks for itself. CAPAI notes the obvious benefits to general ratepayers of, among other things, a material reduction in the amount of rate increase sought by the Company, a two-part phase-in of the rate increase ultimately settled upon, an agreement to work toward enhancing the United Water Cares Program, increasing participation in water conservation, and a rate moratorium. Thus, CAPAI's recommendations and positions addressed issues of concern to the general body of customers.

(07) Statement Showing Class of Customer

To the extent that CAPAI represents a specific UWI customer class, it is the residential class.

RESPECTFULLY SUBMITTED, this 8th day of March, 2010.


Brad M. Purdy

⁵ Order No. 31016 at p. 10.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on March 8th, 2010, I caused the foregoing APPLICATION FOR INTERVENOR FUNDING on the following via email attachment, to be followed by hard copy, U.S. Postage.

Weldon B. Stutzman
Christine Sasser
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83702

Joe Miller
McDevitt & Miller
420 W. Bannock St.
Boise, ID 83702

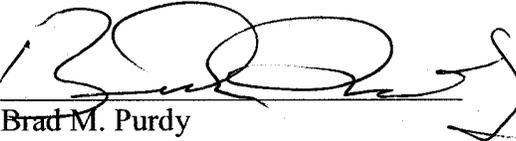

Brad M. Purdy

EXHIBIT "A"
ITEMIZED EXPENSES

Costs:		
Photocopies/postage		\$18.75
Total Costs		\$18.75
Fees:		
Legal	(Brad M. Purdy –33 hours @ \$145.00/hr.)	\$4,785.00
Expert	(Mary Chant – 15 hours @ \$45.00/hr.)	\$675.00
Total Fees:		\$5,460.00
Total Expenses:		\$5,478.75