

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
 OF UNITED WATER IDAHO INC. FOR) CASE NO. UWI-W-09-01
 AUTHORITY TO INCREASE ITS RATES)
 AND CHARGES IN THE STATE OF IDAHO.) ORDER NO. 31029
)**

On September 3, 2009, United Water Idaho Inc. filed a general rate case Application requesting authority to increase its rates by 15.21%, to be applied equally to all classes of customers. Prior to its Application in this case, the Company last increased its basic rates and charges in August 2006. Order No. 30104. The Company requested that its proposed new rates become effective October 3, 2009.

On September 17, 2009, the Commission issued a Notice of Application, setting an October 8, 2009, deadline for intervention and suspending the Company's proposed October 3, 2009, effective date for new rates. Order No. 30901. Community Action Partnership Association of Idaho (CAPAI) requested and was granted intervention. On October 27, 2009, the Commission issued a Notice and Order establishing dates for Staff and Intervenors to prefile testimony, and scheduling a technical hearing to convene on March 4, 2010. Order No. 30934.

On January 6, 2010, Staff filed with the Commission a Notice of Intent to Engage in Settlement Discussions. *See* Commission Rule of Procedure 272; IDAPA 31.01.01.272. Settlement discussions subsequently began on January 11, 2010, between all parties. The discussions resulted in a Stipulation, and on January 27, 2010, the parties filed a Stipulation and negotiated settlement proposing resolution of all issues raised by United Water's Application. United Water, Commission Staff and CAPAI all filed testimony in support of the Settlement Stipulation.

On February 5, 2010, the Commission issued a Notice of Settlement Stipulation, Notice of Modified Procedure, and Notice of Public Hearing. The Notice established a deadline for interested parties to file comments regarding the proposed Stipulation, and also stated the Commission's preliminary determination that "the public interest may not require a technical hearing to consider the issues presented and that issues raised by the Settlement Stipulation may be processed by Modified Procedure. *See* Commission Rules of Procedure 201-204, IDAPA 31.01.01.201-204." Interested parties were invited to file written comments "in support or

opposition to the Settlement Stipulation and the use of Modified Procedure in this case.” Order No. 30998, p. 3. On March 5, 2010, the Commission issued Order No. 31016 approving the Stipulation and authorizing United Water to increase its rates as set forth in the Stipulation, directing the Company to implement a level pay program for customers, and directing the parties to convene a workshop to review possible changes to the United Water Cares Program and improvements in the Company’s water conservation programs.

CAPAI timely filed an application for intervenor funding on March 8, 2010. *Idaho Code* § 61-617A authorizes an intervenor cost award not to exceed a total of \$40,000 for all intervening parties. CAPAI requested intervenor funding to recover \$5,478.75 in fees and costs.

Individual intervenor funding awards must be based on findings that the intervenor’s participation materially contributed to the Commission’s decision, the costs of intervention are reasonable and would be a significant financial hardship for the intervenor if no award is given, the recommendations made by the intervenor differed materially from Staff’s evidence, and the intervenor’s participation addressed issues of concern to the general body of users or consumers. *Idaho Code* § 61-617A(2). Additionally, the intervenor funding statute requires the Commission to consider the reasonableness of the costs of intervention and the relative financial hardship for each intervenor. *Idaho Code* § 61-617A(2)(b).

CAPAI fully participated in the case by presenting prefiled testimony, attending the meetings that resulted in the Stipulation, and explaining the advantage to low-income customers gained through the Settlement. CAPAI identified the differences between its case and the issues primarily addressed by Staff. For example, CAPAI “was the only party to propose that UWI 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.” CAPAI Application for Intervenor Funding, p. 4. CAPAI is a public-interest entity with modest financial resources and might not be able to participate in rate proceedings without intervenor funding. CAPAI brings a perspective to rate cases that may otherwise be overlooked or underrepresented, and the Commission appreciates CAPAI’s reasonableness in its funding request.

Based on the record and the intervenor funding request, we find that the policy stated in *Idaho Code* § 61-617A to encourage participation in Commission proceedings “so that all affected customers receive full and fair representation” is furthered by awarding intervenor funding to CAPAI. The Commission approves intervenor funding in the amount of \$5,478.75 to

CAPAI. Section 61-617A requires that intervenor funding “be chargeable to the class of customers represented by the qualifying intervenors.” Accordingly, CAPAI’s intervenor funding award is to be recovered from residential customers. We believe this award satisfies the objectives of intervenor funding set forth in *Idaho Code* § 61-617A.

ORDER

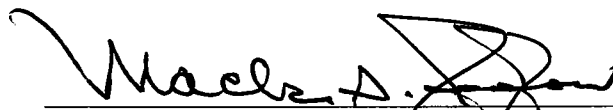
IT IS HEREBY ORDERED that intervenor funding is awarded to CAPAI in the amount of \$5,478.75, which amount will be recovered from the residential customer class.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 18th day of March 2010.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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