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Attorneys for the Commission Staff

**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. ) COMMISSION STAFF MOTION  
) TO VACATE PREFILE DIRECT  
) TESTIMONY DATE**

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Pursuant to Commission Rule of Procedure 256.03, Staff for the Public Utilities Commission files this Motion for an Order from the Commission Vacating the Prefile Direct Testimony Date of January 22, 2010, in order for the parties to continue intensive settlement negotiations.

**BACKGROUND**

On September 3, 2009, United Water filed a general rate case Application for authority to increase rates by 15.21%, to be applied equally to all classes of customers.<sup>1</sup> 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. Order No. 30901. Community Action Partnership Association of Idaho (CAPAI) requested and was granted intervention. On October 27, 2009, the Commission issued a Notice of Scheduling and Notice of Hearing. Order No. 30934. Pursuant to the schedule, the Staff and

<sup>1</sup> On July 2, 2009, the Company filed a Motion for Order Waiving Requirement for Cost of Service Study maintaining that there was no compelling need for a study to be included with its current rate case Application. The Commission granted the Company's request by Order No. 30865.

COMMISSION STAFF MOTION  
TO VACATE PREFILE DIRECT  
TESTIMONY DATE

Intervenor deadline for prefilng testimony and exhibits is January 22, 2010. Rebuttal testimony and exhibits are then due on February 19, 2010, and the technical hearing is scheduled to begin March 4, 2010.

Following a January 6, 2010, Notice of Staff Intent to Engage in Settlement Discussions (IDAPA 31.01.01.272), representatives of the Parties met on January 11, 2010, and engaged in initial discussions to negotiate a possible settlement in this case. The Parties pursued these discussions in earnest and believe they will result in an agreement. Nonetheless, the Parties are not yet ready to file a Stipulation with the Commission. In order to allow more time to negotiate a possible Stipulation, the Parties now seek an Order from the Commission vacating the direct testimony prefile date. The Commission is not bound by settlements, and the proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest or otherwise in accordance with law or regulatory policy. IDAPA 31.01.01.274 and 275.

Staff requests that the Commission issue an Order vacating the January 22, 2010, direct testimony prefile date.

Respectfully submitted this 13<sup>th</sup> day of January 2010.



Weldon B. Stutzman  
Kristine A. Sasser  
Deputy Attorneys General

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 13<sup>th</sup> DAY OF JANUARY 2010, SERVED THE FOREGOING **COMMISSION STAFF MOTION TO VACATE PREFILE DIRECT TESTIMONY DATE**, IN CASE NO. UWI-W-09-1 BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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