(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE CONNECTION FEES OF UNITED WATER IDAHO INC. AND OTHER RELATED ISSUES INCLUDING RATE DESIGN. | )  )  )  )  )  ) | CASE NO. UWI-W-96-4  ORDER NO.  26938 |

On April 24, 1997 the Commission issued final Order No. 26898 in Case No. UWI-W-96-4 accepting the submitted Stipulation and Settlement Agreement and approving the related changes to the Company’s customer contribution rules as fair, just and reasonable.  In its order the Commission established an explicit deadline for applications for intervenor funding.  Reference Idaho Code 61-617A and IDAPA 31.01.01.161-165.  Timely applications were filed by the following:

Building Contractors Association of Southwest Idaho Inc.

Total of fees and costs $22,422.08.  Amount requested $25,000

Coalition of United Water Customers

Total of fees and costs $29,747.40.  Amount requested $25,000

Sharon Ullman

Total of itemized expenses $1,000.  Amount requested $1,000

Idaho Code § 61-617A and Rule 162 of the Commission’s Rules of Procedure provide the framework for awards of intervenor funding.  Section 61-617A provides that the Commission shall rely upon the following considerations in awarding funding to a given intervenor:  (1) whether the intervenor materially contributed to the decision rendered by the Commission; (2) whether the alleged costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor to incur; (3) whether the recommendation made by the intervenor differed materially from the testimony and exhibits of the Commission Staff; and (4) whether the testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

The statute further provides that the total award for all intervening parties combined shall not exceed $25,000 in any proceeding.

Rule 162 of the Commission’s Rules of Procedure provides the procedural requirements with which an application for intervenor funding must comply.  The application must contain:  (1) an itemized list of expenses broken down into categories; (2) a statement of the intervenor’s proposed finding or recommendation; (3) a statement showing that the costs the intervenor wishes to recover are reasonable; (4) a statement explaining why the costs constitute a significant financial hardship for the intervenor; (5) a statement showing how the intervenor’s proposed finding or recommendation differed materially from the testimony and exhibits of the Commission Staff; (6) a statement showing how the intervenor’s recommendation or position addressed issues of concern to the general body of utility users or customers; and (7) a statement showing the class of customer on whose behalf the intervenor appeared.

Finally, Rule 165 provides that the Commission must find that the intervenor’s presentation materially contributed to the Commission’s decision.

All parties contend that their participation materially contributed to the outcome of the case and that their itemized fees\expenses were reasonably and necessarily incurred.  Ms. Ullman expresses an informal objection to the intervenor funding requests of the Building Contractors and Coalition contending that the underlying organizations and member corporations address issues not of concern to the general body of users or consumers but promote only their own interests.  In addition, despite the alleged voluntariness of member contributions to the Contractor Association and Coalition, Ms. Ullman states that these entities cannot otherwise be viewed as financial hardship cases. The Building Contractors and Coalition in their applications contend to the contrary and represent that the beneficiaries of their participation are the general body of ratepayers (present and/or future).

It is the general contention of the applicants that because the Settlement Agreement subsumed all testimony and positions (filed or unfiled), it is not necessary to articulate the differences between their positions and Staff’s position.  Formal testimony in this case was prefiled by the Building Contractors, the Coalition and Commission Staff.

Commission Findings

The Commission has reviewed and considered the filings of record in Case No. UWI-W-96-4 including the prefiled testimony, the submitted Stipulation and Settlement Agreement, our Order No. 26898 and the respective Applications for Intervenor Funding.  We note that the stated policy for an award of costs of intervention is to encourage participation at all stages of all proceedings before the Commission. The Applications for Intervenor Funding clearly satisfy the statutory and procedural requirements set forth in Idaho Code § 61-617A and Rules 161-164 of the Commission’s Rules of Procedure.  Each Applicant made a sufficient showing of financial hardship, contributed significantly to the approved Stipulation and Settlement Agreement and by their participation raised issues of concern to the general body of ratepayers.

We further find that the participation of the Applicants and the proffered Stipulation and Settlement Agreement contributed materially to a fair, just and reasonable connection fee policy and provided the basis for and substance of our final decision in this case.  We note that the total award available to all intervening parties combined by statute may not exceed $25,000 in any proceeding.  We accordingly find it reasonable and equitable to award Sharon Ullman $1,000, the Building Contractors $12,000, and the Coalition of United Water Customers $12,000.  United Water is required to pay the awarded amounts within 28 days from the service date of this Order.  Because the Company has no separate classes of customers, we find it reasonable that the intervenor funding awards be chargeable to the Company’s entire body of customers.  Reference IDAPA 31.01.01.165.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over this matter and United Water Idaho Inc., a water utility, pursuant to the authority and power granted the Commission under Title 61 of the Idaho Code and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that the Application  for Intervenor Funding filed by the Building Contractors Association of Southwest Idaho, Inc. is hereby granted in the amount of $12,000; that the Application for Intervenor Funding filed by the Coalition of United Water Customers is hereby granted in the amount of $12,000; and that the Application for Intervenor Funding filed by Sharon Ullman is hereby granted in the amount of $1,000.  United Water is directed to pay these amounts within 28 days from the service date of this Order.

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                  day of May 1997.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

May 28, 1997