DECISION MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

RANDY LOBB

DAVE SCHUNKE

DAVID SCOTT

WORKING FILE

FROM:SCOTT WOODBURY

DATE:May 14, 1997

RE:CASE NO. UWI-W-96-4

INTERVENOR FUNDING

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 31.01.01.161-164.  Timely applications (attached) 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

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; and despite the alleged voluntariness of member contributions to the Contractor Association and Coalition, are entities that 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 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 difference between the applicant’s position and Staff’s position.  Formal testimony in this case was prefiled by the Building Contractors, the Coalition and Commission Staff.

Commission Decision:

Pursuant to Idaho Code 61-617A award of cost of intervention for all intervening parties is capped at $25,000.  Pursuant to statute the determination of the Commission with regard to the payment of these expenses shall be based on the following considerations:

(a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the Commission; and

(b) A finding that the cost of intervention are reasonable in amount and would be a significant financial hardship for the intervenors; and

(c) The recommendation made by the intervenor differed materially from the testimony and exhibits of the Commission Staff; and

(d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

It is further indicated that expenses awarded shall be chargeable to the class of customers represented by the qualifying intervenors.

What is the Commission’s decision regarding the submitted applications for intervenor funding?

Scott Woodbury

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