BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

Office of the Secretary

Service Date

June 1, 1999

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| **IN THE MATTER OF THE JOINT APPLICA­TION OF UNITED WATER IDAHO INC. AND BARBER WATER CORPORATION FOR AN ORDER APPROVING THE PURCHASE BY UNITED WATER IDAHO INC. OF WATER SERVICE PROPERTIES OWNED BY BARBER WATER CORPORATION; FOR AUTHORITY TO EXPAND UNITED WATER IDAHO’S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 143 AND FOR APPROVAL OF RATES AND CHARGES.** | **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)**  **)** | **CASE NO. UWI-W-99-2**  **ORDER NO. 28062** |

On May 14, 1999, the Commission in Case No. UWI-W-99-2 denied a Petition for Intervention filed by CAPA: Citizens’ Advocates in Public Affairs Inc. In its interlocutory Order No. 28048 the Commission made the following findings:

The Commission finds that CAPA has not articulated any direct and substantial interest in this case, nor has it raised any issues that cannot otherwise be adequately addressed in written comments or in public testimony. The Commission finds on the basis of the filings of record that intervention in these proceedings by CAPA will not serve the purposes of intervention as described by Rules 71-74 of the Commission’s Rules of Procedure.

Also noted in the Commission’s Order was that a hybrid procedure has been adopted in this case, written comments in lieu of a formal technical hearing and an evening hearing for public testimony.

On May 18, 1999, a timely Petition for Review of Commission Order No. 28048 was filed by CAPA. Based on further information provided by CAPA, the nature of which it contends articulates a direct and substantial interest in the case, CAPA requests that the Commission rescind its prior Order No. 28048 and grant CAPA full rights of participation as an intervening party. Reference Rules 71-75 Commission Rules of Procedure; IDAPA 31.01.01.071-075. Should the Commission choose not to rescind Order No. 28048, CAPA requests that the Commission require the Company to answer questions propounded in its filing prior to the June 23, 1999, evening hearing scheduled for public testimony.

Without full party rights of participation CAPA contends that it will be effectively denied the right to fully address the Company’s specific request for Commission approval in this case of future rate base of $170,000, a decision that CAPA contends is of direct and substantial interest to all United Water customers (including members of CAPA).

A failure to grant intervention will further, CAPA contends, deny it the opportunity to engage in party rights of discovery and to thereby obtain information that would enable it to participate in a more informed manner.

Denial of intervention will also, CAPA contends, preclude it from participating in future settlement discussions in this case should any occur.

## COMMISSION FINDINGS

The Commission has reviewed CAPA’s Petition for Review of Commission Order No. 28048, our earlier Order No. 28048, and Rules 71-75 of the Commission’s Rules of Procedure. We find that CAPA in its Petition for Review has provided the Commission with further information and succeeded in clearly articulating a direct and substantial interest in this proceeding. CAPA has further identified the ramifications of not being granted intervention rights. We are now persuaded that intervention by CAPA would serve the purposes of intervention as described by Rule 74 of the Commission’s Rules of Procedure. We find it reasonable based on the established and augmented record in this case to rescind our prior Order No. 28048 and to grant intervention to CAPA. CAPA is cautioned that the only matters at issue in this proceeding are those that are presented by and that flow naturally from the Application filed in this case. The nature of the proceedings and the subject matter of the case define the otherwise permissible scope of participation.

## O R D E R

In consideration of the foregoing and as more particularly described and qualified above, IT IS HEREBY ORDERED and the Commission does hereby rescind its prior Order No. 28048 in Case No. UWI-W-99-2, which denied the Petition for Intervention filed by CAPA: Citizens’ Advocates in Public Affairs, Inc.

Based on the established and augmented record in these proceedings, IT IS FURTHER ORDERED that the Petition to Intervene filed by CAPA: Citizens’ Advocates in Public Affairs, Inc. in Case No. UWI-W-99-2 is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

Sharon Ullman

CAPA

9627 W Desert Ave.

Boise, ID 83709

(208) 362-6632

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this day of March, 16.

DENNIS S. HANSEN, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

PAUL KJELLANDER, COMMISSIONER

Myrna J. Walters

Commission Secretary

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