

ATTORNEYS AT LAW

Molly O'Leary

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IDAMO PUBLIC UTILITIES COMMISSIC.

Tel: 208-938-7900 Fax: 208-938-7904 molly@richardsonandoleary.com P.O. Box 7218 Boise, ID 83707 - 515 N. 27th St. Boise, ID 83702

#### 28 February 2007

Ms. Jean Jewell Commission Secretary Idaho Public Utilities Commission P O Box 83720 Boise ID 83720-0074

Via hand delivery

RE: Case No. EAG-W-05-02

Dear Ms. Jewell:

I am enclosing an original and seven (7) copies of EAGLE WATER COMPANY, INC'S. STATUS REPORT and PETITION FOR EXTENSION OF TIME in the above case.

Sincerely,

Richardson & O'Leary, PLLC

Molly O'Leary (ISB # 4996) Richardson & O'Leary, P.L.L.C. P.O. Box 7218

Boise, ID 83707

Tel: 208-938-7900 Fax: 208-938-7904

molly@richardsonandoleary.com

Attorneys for Eagle Water Company, Inc.

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IDANIO PUBLIC
UTILITIES COMMISSIO.

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION )
OF LOW WATER PRESSURE IN A )
PORTION OF EAGLE WATER )
COMPANY'S SERVICE AREA )

CASE NO. EAG-W-05-02

STATUS REPORT and PETITION FOR EXTENSION OF TIME

COMES NOW, Eagle Water Company, Inc. ("Eagle Water"), by and through undersigned counsel, and files this Status Report and Petition for Extension of Time.

Eagle Water has been diligently pursuing the completion of a Final Engineering Report to meet the requirements set forth in the Commission's Order No. 29840, as well as to meet the competing demands of a Consent Order entered into with the Idaho Department of Environmental Quality in February of last year. See Exhibit 1, attached.

EAGLE WATER STATUS REPORT and PETITION FOR EXTENSION OF TIME - 1

To that end, Eagle Water has been working with Jim Rees, P.E., of MTC. Inc. here in Boise, and Chet A. Hovey, P.E., of Ward Engineering Group in Salt Lake City, Utah. A Final Engineering Report draft was submitted to DEQ for review on January 20, 2007. DEQ completed its review of that draft report and sent Eagle Water a letter outlining 31 Action Items on February 13, 2007. Mr. Rees and Mr. Hovey have consulted with DEQ regarding the Action Items, and anticipate having a revised Final Engineering Report ready to submit to DEQ on March 15, 2007.

As previously noted in Eagle Water' Petition for Relief filed with the Commission on December 20, 2006, the Engineering Report on Eagle Water's system has undergone several iterations, in addition to the current revision.

Attached hereto as **Exhibit 2** is a current invoice from MTC for services rendered by it, to date, on the Engineering Report. In addition to MTC fees, Ward Engineering Group fees currently total approximately \$53,000.00

A total of \$129,624.61 has been collected through the surcharge as of February 28, 2007. Of this amount, the expenditure of \$112,414.00 has previously been authorized by this Commission, resulting in a difference of \$17,210.00. Given the cost of the Engineering Report to date, apart from associated legal and accounting fees, it is unlikely that there will be an "over collection" of surcharge fees in the near future. For this reason, Eagle Water respectfully requests the Commission to:

- 1. Continue to allow Eagle Water to collect the current surcharge amount in accordance with the terms of the Commission's Order No. 302013; and
- 2. Extend the deadline for Eagle Water to file an application for financing the

system improvements required by DEQ as a result of the Engineering Report to 30 days from the date Eagle Water gets a final acceptance of its Engineering Report from DEQ.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of February, 2007.

Richardson & O'Leary P.L.L.C.

Molly O

Attorneys for Eagle Water Company, Inc.

## EXHIBIT 1



1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

February 24, 2006

Dirk Kempthome, Governor Toni Hardesty, Director

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Robert V. Deshazo Jr. Eagle Water Company, Inc. 172 W. State Street Eagle, ID 83616

RE: Executed Consent Order for Eagle Water Company, Inc., PWS # 4010049

Dear Mr. Deshazo:

Enclosed is a fully executed copy of the Consent Order (CO) signed by Idaho Department of Environmental Quality's Director, Toni Hardesty. The staff at the Boise regional office will be tracking compliance with the deadlines set forth in the CO. Please send required communications to:

Tiffany Floyd, Regional Drinking Water Manager Department of Environmental Quality Boise Regional Office 1445 North Orchard Boise, Idaho 83706-2239

Thank you for working with the Department to resolve these issues.

Sincerely,

Jemi Henry

Drinking Water Rule/Enforcement Lead

Enclosure

cc: Stephanie Ebright, Deputy Attorney General

Lance Nielsen, DW Program Manager Mike McGown, Boise Regional Office Tiffany Floyd, Boise Regional Office

No. 27<sup>th</sup> St, Boise, ID 83702

File

COF

## IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

In the matter of:	)	) CONSENT ORDER
Eagle Water Company	)	Idahe Code § 39-108
	•	

- 1. Pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §§ 39-101 through 39-130, the Idaho Department of Environmental Quality (Department) enters into this Consent Order with Eagle Water Company (Eagle), a Public Utilities Commission (PUC) regulated, community public water system serving 2550 connections and 9000 individuals in Eagle, Ada County, Idaho, PWS # ID4C10049.
- 2. By Notice of Violation (NOV) dated August 1, 2005, the Department notified Eagle of violations of the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08. The NOV is incorporated by reference into this Consent Order. The NOV provided Eagle an opportunity for a compliance conference to discuss the violations and enter into a consent order. A compliance conference was held on August 16, 2005.
- 3. In order to return to compliance with applicable state and federal laws, Eagle hereby agrees to perform the following actions in the time periods set fortain order to demonstrate compliance with IDAPA 58:01.08:
  - a. Eagle shall continue to provide quarterly public notice concerning the system's loss of pressure and/or depressurization events, and the steps the system plans to take to return to compliance with the pressure requirements, in accordance with IDAPA 58.01.08.150, to each residence on the system by mail or hand delivery. Eagle shall continue to provide public notice to each residence on a quarterly basis (every 3 months) until such time as the Department provides written notice that quarterly public notification is no longer required.
  - b. Eagle shall provide the Department with proof of each quarterly notification via the Department's supplied notification form and a copy of each quarterly notification within ten (10) days of completion.

    March 10 XXX
  - c. No later than February 24, 2006, Eagle shall submit for Department approval a Preliminary Engineering Report. The Preliminary Engineering Report shall delineate the steps that will be taken to bring Eagle into full compliance with IDAPA 58.01.08 and shall include the following:
    - Recommendations for actions to be taken for Eagle to meet the requirements of IDAPA 58.01.08 including: additional sources or system modifications as needed to meet the water quality, quantity and pressure requirements for current and future dwelling units and other uses.

- 5. Department Review and Approval Submittal Review Process. Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this Consent Order for which Department approval is required. This process shall be followed until the Department approves the document or the review time frame has expired.
  - a. Within thirty (30) calendar days of receipt of Eagle's submittal, the Department shall 1) notify Eagle in writing the document is approved; 2) notify Eagle in writing of any deficiencies in the document; or 3) notify Eagle of the Department's extension of the Department's review and comment period for up to an additional thirty (30) days. If the Department notifies Eagle of deficiencies in the document, Eagle shall submit a revised document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.
  - b. The Submittal Review Process shall be repeated until the Department notifies Eagle the document is approved. However, the submittal must meet the Department's approval within sixty (60) days from the due date for the first submittal of the document, unless the Department provides Eagle with a written extension of the sixty (60) day time frame. Eagle's failure to obtain Department approval of a submittal within such time frames shall constitute a violation of this Consent Order.
  - c. If the Department extends its review and comment period beyond the initial thirty (30) day period described above, the time frames within which Eagle's documents shall meet the requirements of this Consent Order shall be extended by an equivalent number of days. Once the Department approves these documents, they shall be incorporated herein and enforceable as a part of this Consent Order.
- 6. All communications required of Eagle by this Consent Order shall be addressed to:

Tiffany Floyd, Regional Drinking Water Manager Department of Environmental Quality Boise Regional Office 1445 N. Orchard Boise, Idahe 83706

 All notices, reports and submittals required of the Department by this Consent Order shall be addressed to:

> Robert V. Deshazo Jr. Eagle Water Company, Inc. 172 W. State Street Eagle, ID 83616

# EXHIBIT 2

### MTC, INC.

## CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS

707 N. 27th STREET BOISE, ID 83702

208-345-0780

fax 208 - 343-8967

### FOR PORFESSIONAL ENGINEERING SERVICES

FEDERAL IN NO. 82-0398542

**ACCOUT OF** 

EAGLE WATER COMP.

P.O BOX 455

**EAGLE, ID 83616** 

JOB # 05-840

**PUC STUDY** 

FOR EAGLE WATER COMPANY

AUGUST TO DECMEBER 2005

AUGUST TO DECIMEBER 2005

\$44,741.29

**JANUARY .. 2006** 

\$13,165.00

**FEBRUARY** 

\$12,714.70

**MARCH** 

\$10,028.75

**APRIL** 

\$10,131.58

MAY

11,928.75

JUNE

1,919.96

JULY

791.88

AUGUST

340

SEPTEMBER

\$890.00

OCTOBER

\$582.91

NOVEMBER

\$340.00

DECEMBER... 2006

\$680.00

JANUARY......2007

\$5,892.50

printing 12 BOOKS

\$381.21

**FEBUARY** 

\$977.50

MARCH

TOTAL

\$115,506.03

JOB NUMBER:

05-840

27-Feb-07