

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	CASE NOS. SUZ-W-18-02
APPLICATION OF SUEZ WATER IDAHO)	EAG-W-18-01
AND EAGLE WATER COMPANY FOR THE)	
ACQUISITION OF EAGLE WATER)	
COMPANY)	ORDER NO. 34259

On November 15, 2018, SUEZ Water Idaho (“SUEZ”) and Eagle Water Company, Inc. (“Eagle Water”) filed a Joint Application requesting that the Commission approve a proposed acquisition of Eagle Water by SUEZ. On December 7, 2018, the Commission issued a Notice of Application and Notice of Intervention deadline. Order No. 34203. The City of Eagle, Eagle Water Customer Group, Boise City, Community Action Partnership Association of Idaho, and Citizens Allied for Integrity and Accountability (“CAIA”) were granted intervention. Order No. 34229.

The parties have been actively engaged in discovery. On February 22, 2019, CAIA filed a Motion for Extension of Time to Respond to Discovery with the Commission. CAIA’s Motion asked the Commission to order that CAIA “not be required to respond to [the First Production Request of SUEZ Water Idaho, Inc. to CAIA] unless and until a scheduling order resulting in a final hearing on the merits is entered by the Commission” or, in the alternative, after a 60-day extension. CAIA Motion at 5. CAIA argued that matters outside of the Commission’s jurisdiction, such as a potential contractual dispute between the City of Eagle and Eagle Water, warrant the extension. *Id.* Absent a Commission order, CAIA would have to respond to SUEZ’s discovery requests by March 1, 2019. *Id.*, Exhibit 3 at 1.

SUEZ answered CAIA’s Motion on February 26, 2019. SUEZ argued that the case is not stayed, and that the information it is seeking from CAIA is relevant and readily available to CAIA. SUEZ Answer at 4. SUEZ admitted that if litigation is filed between the City of Eagle and Eagle Water Company, or other legal action is taken, there could be an impact on the Commission’s decision making in these matters. *Id.* SUEZ argued that if the Commission does not deny CAIA’s Motion outright, the Commission should grant no more than a 14-day extension. *Id.* at 1.

This matter came before the Commission at its February 26, 2019 decision meeting.

FINDINGS AND DISCUSSION

Having reviewed the parties' filings, we deny CAIA's Motion. To this point, the parties have been actively engaged in discovery. Moreover, the production requests filed by SUEZ were not onerous. We further note that these cases are not stayed. However, the parties are currently scheduled to meet for a scheduling conference on March 4, 2019. We encourage the parties to frankly discuss whether the outstanding matters outside this Commission's jurisdiction impact this docket's ability to effectively proceed at this time.

In order to allow the parties to meet, but compel CAIA to respond to SUEZ's production requests, and considering the time lost with the filing and disposition of CAIA's Motion, we extend the deadline for CAIA's response from March 1, 2019, to March 8, 2019.

ORDER

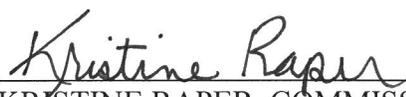
IT IS THEREFORE ORDERED that CAIA's Motion for a 60 day extension to respond to discovery is denied.

IT IS FURTHER ORDERED that CAIA respond to SUEZ's First Production Request no later than March 8, 2019.

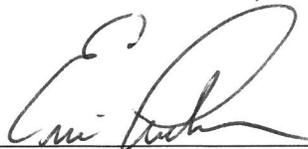
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *1st* day of March 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:


Diane M. Hanian
Commission Secretary

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