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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for SUEZ Water Idaho Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE JOINT
APPLICATION OF SUEZ WATER
IDAHO AND EAGLE WATER
COMPANY FOR THE ACQUISITION
OF EAGLE WATER COMPANY**

**Case Nos. SUZ-W-18-02/
EAG-W-18-01**

**SUEZ'S UNOPPOSED MOTION FOR
STAY**

COMES NOW Joint Applicant SUEZ Water Idaho Inc., through its undersigned counsel of record, and files this *Unopposed Motion for Stay* in the above-captioned proceeding.

1. On February 26, 2019 Intervenor City of Eagle ("City") filed Case No. CV01-19-03534 in the District Court for the Fourth Judicial District, State of Idaho, Ada County (the "Litigation"). Among other things, in the Litigation the City seeks judicial determinations that: 1) under a 2008 Intertie Agreement with the City, Eagle Water Company ("EWC") granted the City a permanent right of first refusal ("ROFR") to purchase all or any part of EWC's "Water System" if EWC received a bona fide offer from a third party to purchase the Water System; 2) EWC is in default under the terms of the Intertie Agreement with respect to the ROFR; and 3) the ROFR is valid and enforceable.

2. A decision by the Idaho Public Utilities Commission (“Commission”) concerning SUEZ’s and EWC’s Joint Application for Commission approval of SUEZ’s purchase of certain of EWC’s assets may be affected by the outcome of the Litigation.

3. As the Joint Application and the Litigation currently are postured, it would preserve the resources of the parties and the Commission to stay the Joint Application proceedings pending the final resolution of the Litigation.

4. In light of the foregoing, consistent with the oral agreement of the parties at the conclusion of the March 4, 2019 telephone conference with Commission Staff, and without making any waiver, admission or other concession concerning the merits of the Litigation, SUEZ respectfully moves that the Commission issue an order staying the Joint Application proceedings subject to the following conditions:

- a. The Commission retains full jurisdiction over the Joint Application;
- b. The Joint Applicants will provide the Commission and other parties with quarterly reports of the status of the Litigation; and
- c. Such other conditions the Commission deems appropriate under the circumstances.

5. The undersigned counsel for SUEZ has conferred with counsel for the other parties to this proceeding, and all have indicated that they were not opposed this *Motion for Stay*.

Respectfully submitted this 21st day of March, 2019.

SUEZ Water Idaho Inc.

By: 

Michael C. Creamer
Givens Pursley LLP

Attorneys for SUEZ Water Idaho Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of March, 2019, a true and correct copy of the foregoing document was served on the following in the manner indicated:

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Commission Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702
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