

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE ASSESSMENT)
OF RAILROAD CORPORATIONS FOR THE) CASE NO. F-2009-2
SPECIAL REGULATORY FEES PAYABLE)
TO THE COMMISSION FOR FISCAL YEAR) ORDER NO. 30779
2010)

In the 2009 session, the Idaho Legislature passed Senate Bill 1229 appropriating a total of \$4,962,200 to the Commission for operations during fiscal year 2010 (July 1, 2009 to June 30, 2010).¹ This appropriation represents \$151,400 for railroad activities, \$4,741,600 for public utility activities, and \$69,200 for pipeline safety activities reimbursable by the federal government.

This Order assesses the railroads their share of the total appropriation: \$151,400. The railroads have a one-time fund adjustment of \$12,000 from the cash reserve and an overfunding true-up of (\$4,645) from 2008 expenditures. *Idaho Code* § 61-1008(3). Thus, the Commission is authorized to assess \$134,755 for FY 2010 railroad operations.

The reported gross intrastate revenues from railroad operations in Idaho totaled \$17,180,779 for calendar year 2008. This is an increase of \$2,508,231 (17.09%) from last year's reported revenues. Accordingly, the proportionate share of each railroad's fee is to be assessed at .7843 percent (.007843), a decrease from last year's assessment of .8043 percent. In no case shall the assessed regulatory fee be less than \$50. *Idaho Code* § 61-1004(3).

FINDINGS OF FACT

In accordance with *Idaho Code* §§ 61-1001 through 61-1008, the Commission is authorized to assess \$134,755 for supervising and regulating the railroads subject to our jurisdiction.

The total reported Idaho gross intrastate revenues for all railroads for the 2008 calendar year amounts to \$17,180,779.

¹ The Legislature has also passed and the Governor has signed Senate Bill 1227. Senate Bill 1227 increases the Commission's appropriation by \$71,200. SB 1227, § 17(41). The assessment calculated in this Order is based upon the appropriation amount contained in Senate Bill 1229.

The proportionate assessment for each railroad corporation is .7843 percent (.007843) of its Idaho gross operating revenue derived from intrastate railroad corporation business for the 2008 calendar year. In no case shall the assessment be less than \$50.

ORDER

IT IS THEREFORE ORDERED, except as provided in the following paragraph, that each railroad corporation operating within the State of Idaho and subject to the jurisdiction of this Commission shall pay to the Idaho Public Utilities Commission for the 2010 fiscal year a special regulatory fee amounting to .7843 percent (.007843) of such railroad's gross operating revenues derived from its intrastate business in Idaho for the 2008 calendar year.

IT IS FURTHER ORDERED that if the fee thus determined shall be less than fifty dollars (\$50), then such railroad corporation shall pay to the Commission the minimum of fifty dollars (\$50) as prescribed by law. *See Idaho Code* § 61-1004(3).

IT IS FURTHER ORDERED that at least one-half of such regulatory fee shall be paid to the Commission on or before May 15, 2009, and the remaining one-half shall be paid on or before November 16, 2009. Railroad corporations may pay their entire annual regulatory fee no later than May 15, 2009.

IT IS FURTHER ORDERED that if the payment shall not be made on or before the due dates, the installment or portion thereof so due shall bear interest at the rate of six percent (6%) per annum until such time as the full amount of the installment shall have been paid and such delinquent payment shall be subject to an action in the name of the State for collection.

THIS IS A FINAL ORDER. Any railroad objecting to the assessment prescribed in this Order may file an objection with the Commission pursuant to *Idaho Code* § 61-1007 no later than May 15, 2009.

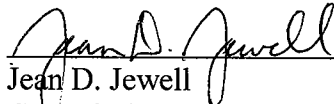
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7th
day of May 2009.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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