

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE SUBMISSION OF |) | |
| THE STATUS REPORT OF AVISTA |) | CASE NO. AVU-E-02-06 |
| CORPORATION AND APPLICATION FOR A |) | |
| CONTINUATION OF A POWER COST |) | ORDER NO. 29162 |
| ADJUSTMENT (PCA) SURCHARGE. |) | |
| |) | |

On October 15, 2002, the Idaho Public Utilities Commission (Commission) in Case No. AVU-E-02-06, Order No. 29130, approved a 12-month continuation of a 19.4% (\$23.6 million) Schedule 66 Power Cost Adjustment (PCA) surcharge for Avista Corporation dba Avista Utilities (Avista; Company). As reflected in the PCA status report filed with the Commission on August 9, 2002, Avista stated that the current status of its unrecovered PCA deferral balance as of June 30, 2002, was \$45,600,228 for its Idaho jurisdiction. In its Order, the Commission made adjustments to the PCA deferral account balance, deferred decision pending further investigation on net fuel costs related to the Company's Coyote Springs facility, denied the Company's requested change in the PCA deferral balance interest rate, and directed Staff to investigate the Company's risk management policy and how it affects the Company's short-term resource acquisition decisions. Finally, the Commission directed the Company to file a status report 60 days prior to expiration of the new surcharge period, i.e., October 11, 2004.

On November 1, 2002, the Commission received electronically a Petition for Reconsideration from David & Judy Kramer, Avista customers residing at 10 Kellogg Avenue, Pinehurst, Idaho 83850. Reference *Idaho Code* 61-626. The Petition requests reconsideration of Order No. 29130. The Petitioners contend they have constitutional rights that may have been violated by Order No. 29130. No further information or detail is provided.

The Commission's Procedural Rule 331.01 provides that Petitions for Reconsideration "must set forth specifically the ground or grounds why the petitioner contends that the Order or Rule is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of the evidence or argument that the petitioner will offer if reconsideration is granted." IDAPA 31.01.01.331.01. "Grounds for Reconsideration or

issues on reconsideration that are not supported by specific explanation may be dismissed.” Rule 332 (IDAPA 31.01.01.332).

Reconsideration provides an opportunity for an aggrieved party to bring to the Commission’s attention any question previously determined or omitted in a matter. Likewise, reconsideration provides the Commission with an opportunity to rectify any mistake or omission. *Washington Water Power Company v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979).

Addressing the Petition filed by David & Judy Kramer, the Commission notes that the petitioners offer no new relevant evidence or argument for consideration. Nor do they contend with any specificity how the Commission’s Order was “unreasonable, unlawful, erroneous or not in conformity with law” or how the Commission’s Order violated their constitutional rights. Reference IDAPA 31.01.01.331.01; *Idaho Code* § 61-626. The Commission finds that there is substantial and competent evidence to support the Commission’s decision in Order No. 29130 and finds that the Petition for Reconsideration filed by David and Judy Kramer should be dismissed.

CONCLUSIONS OF LAW

The Idaho Public Utilities Commission has jurisdiction over Avista Corporation dba Avista Utilities, an electric utility, pursuant to the power granted under Idaho Code, Title 61 and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that the Petition for Reconsideration filed by David & Judy Cramer be dismissed. Reference *Idaho Code* 61-626(2); IDAPA 31.01.01.332.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. AVU-E-02-06 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* §61-627.

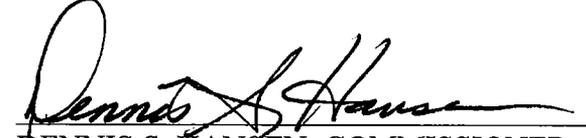
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25th
day of November 2002.



PAUL KJELLANDER, PRESIDENT

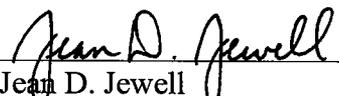


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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