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IDAHO PUBLIC
UTILITIES COMMISSION

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)	CASE NO. IPC-E-02-12
INVESTIGATION OF TIME-OF-USE)	
PRICING FOR IDAHO POWER)	IDAHO POWER COMPANY'S
RESIDENTIAL CUSTOMERS.)	PETITION FOR CONFIRMATION
_____)	THAT ORDER NO. 29196 IS OR IS
)	NOT A FINAL ORDER

Idaho Power Company (hereinafter referred to as "Idaho Power" or "the Company"), Petitioner herein, pursuant to RP 323.03, respectfully petitions the Commission to confirm whether Order No. 29196 is or is not a final order for the following reasons and upon the following grounds:

1. RP 323 provides that final orders are all orders and only those orders containing one of the following paragraphs or a paragraph substantially similar:
 - a. THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. xxx-x-xx-xx may petition for reconsideration within twenty-one (21) days of the service date

of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. xxx-x-xx-xx. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration in response to issues raised in the petition for reconsideration. See Section 61-626, Idaho Code; or (7-1-93)

b. THIS IS A FINAL ORDER on reconsideration (or denying reconsideration). Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. xxx-x-xx-xx may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See Section 61-627, Idaho Code. Orders may be final on some issues and interlocutory on others. If so, the orders will explicitly designate the issues upon which they are final. (7-1-93)

2. Order No. 29196 did not contain the language required to be included in a final order as specified above. However, in Order No. 29196, the Commission ordered Idaho Power to commence installation of an automated meter reading (AMR) system as soon as possible beginning in calendar year 2003 with installation to be completed in 2004. The ordering portion of Order No. 29196 further directs that “no later than March 20, 2003, Idaho Power Company submit a plan to replace the current meters of Idaho Power customers with advanced meters as described in detail above.” Finally, the Commission did not identify Order No. 29196 as an interlocutory order. This puts Idaho Power in the difficult position that it does not believe that Order No. 29196 is a final order but it is required to commence compliance with Order No. 29196 without an opportunity to be heard on its Petition For Reconsideration filed concurrently with this Petition.

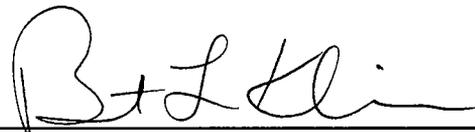
3. Confirmation that Order No. 29196 is or is not a final order of the Commission is important to establish the date by which Idaho Power must file a Petition For Reconsideration. Idaho Power has serious concerns about those portions of Order

No. 29196 which require Idaho Power to immediately begin replacing all of the Company's existing retail revenue meters with an AMR system. Out of an abundance of caution, concurrent with the filing of this Petition, Idaho Power has filed a Petition For Stay and a Petition For Reconsideration of Order No. 29196. For purposes of computing the time when Idaho Power was required to file its Petition For Reconsideration, the Company has assumed that the Commission Secretary's service date of February 21, 2003, is the date the Commission issued Order No. 29196 as a final order.

4. To ensure that the procedural record is clear, Idaho Power respectfully requests that the Commission issue its order confirming whether or not Order No. 29196 is a final order and identifying the date the Commission considers to be the service date of that "final" order.

5. Idaho Power respectfully suggests that because Order No. 29196 does not contain the language required by RP 323, it is not a final order. As such, in granting reconsideration the Commission could decide to hold an evidentiary hearing before issuing a final order. A hearing under these circumstances would not be required to be held within the 17-week period prescribed for reconsideration of *final* orders. Alternatively, if the Commission clarifies that no final order has been issued, the Commission could also decide to close this docket and open a new docket to consider whether it would be in the public interest for Idaho Power to install an AMR system independent of the implementation of time-of-use rates. In a new docket the Commission could convene a prehearing conference to set a schedule for prefiling testimony and holding an evidentiary hearing.

Respectfully submitted this 12th day of March, 2003.

A handwritten signature in black ink, appearing to read "B. L. Kline", written over a horizontal line.

BARTON L. KLINE
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2003, I served a true and correct copy of the within and foregoing IDAHO POWER COMPANY'S PETITION FOR CONFIRMATION THAT ORDER NO. 29196 IS OR IS NOT A FINAL ORDER upon the following named parties by the method indicated below, and addressed to the following:

Lisa Nordstrom	<u> x </u>	Hand Delivered
Deputy Attorney General	<u> </u>	U.S. Mail
Idaho Public Utilities Commission	<u> </u>	Overnight Mail
472 W. Washington Street	<u> </u>	FAX
P.O. Box 83720		
Boise, Idaho 83720-0074		
William M. Eddie	<u> </u>	Hand Delivered
Land & Water Fund of the Rockies	<u> x </u>	U.S. Mail
P.O. Box 1612	<u> </u>	Overnight Mail
Boise, Idaho 83701	<u> x </u>	FAX
Dan Delurey, Executive Director	<u> </u>	Hand Delivered
Demand Response and Advanced	<u> x </u>	U.S. Mail
Metering Coalition (DRAM)	<u> </u>	Overnight Mail
P.O. Box 33957	<u> </u>	FAX
Washington, D.C. 20033		



BARTON L. KLINE