



IDAHO POWER COMPANY  
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**BARTON L. KLINE**  
Senior Attorney

December 13, 2005

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
P. O. Box 83720  
Boise, Idaho 83720-0074

RECEIVED  
DEC 13 11 4:05  
IDAHO PUBLIC  
UTILITIES COMMISSION

Re: Case No. IPC-E-05-28  
Idaho Power Company's Motion In Opposition To  
Time Warner Telecom of Idaho LLC's Petition To  
Intervene

Dear Ms. Jewell:

Please find enclosed for filing an original and seven (7) copies of the Company's Motion in opposition to Time Warner Telecom of Idaho LLC's Petition to Intervene regarding the above-described case.

I would appreciate it if you would return a stamped copy of this transmittal letter to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Barton L. Kline

BLK:jb  
Enclosures

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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorneys for Idaho Power Company

Street Address for Express Mail:

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION ) CASE NO. IPC-E-05-28  
OF IDAHO POWER COMPANY FOR )  
AUTHORITY TO INCREASE ITS BASE ) IDAHO POWER COMPANY'S  
RATES AND CHARGES FOR ELECTRIC ) MOTION IN OPPOSITION TO TIME  
SERVICE IN THE STATE OF IDAHO ) WARNER TELECOM OF IDAHO  
\_\_\_\_\_) LLC'S PETITION TO INTERVENE

COMES NOW, Idaho Power Company ("Idaho Power" or "Company"), and pursuant to RP 075, moves the Commission for an Order denying the Petition of Time Warner Telecom of Idaho LLC ("Time Warner") to intervene in this proceeding. In support of its Motion, Idaho Power states as follows:

1. RP 071 and 072 specify that in order to intervene in a proceeding, a person or entity not an original party to the proceeding must demonstrate a direct and substantial interest in the proceeding. Time Warner's Petition to Intervene does not identify a direct and substantial interest as required by in RPs 071 and 072.

2. Time Warner's Petition states that its interest in this case is based on the following three allegations:

First, Time Warner states that it is an electric customer of Idaho Power taking service at various points of delivery under various rate schedules. Idaho Power's billing records do not show Time Warner as an active customer so the Company is unable to confirm that Time Warner's service requirements would constitute a substantial interest as required by the Commission's rules.

Second, Time Warner states that it is a customer of Idaho Power Company's pole attachment services. Idaho Power does have a contract with Time Warner for pole attachment services and that contract has more than ten years remaining on its current term. As such, the rates, terms and conditions of that contract do not present a justiciable issue in this case.

Finally, Time Warner alleges that it provides telecommunication services in competition with IDACOMM, Inc. IDACOMM, Inc. is a subsidiary of IDACORP, as is Idaho Power. Time Warner provides no explanation as to how its competition with IDACOMM, Inc. demonstrates a direct and substantial interest in a case to set Idaho Power's retail electric rates.

3. Idaho Power acknowledges that the Commission has traditionally been very liberal in granting interventions. Nevertheless, without further facts and explanation by Time Warner that would logically link Time Warner's issues to a general revenue requirement case, Idaho Power believes that allowing Time Warner to intervene is likely to unreasonably broaden the issues in the case and unreasonably burden the record.

WHEREFORE, Idaho Power respectfully requests that the Commission issue its Order denying Time Warner's Motion to Intervene in this proceeding.

DATED this 13<sup>th</sup> day of December, 2005.



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BARTON L. KLINE  
Attorney for Idaho Power Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of December, 2005, I served a true and correct copy of the within and foregoing IDAHO POWER COMPANY'S MOTION IN OPPOSITION TO TIME WARNER TELECOM OF IDAHO LLC'S PETITION TO INTERVENE upon the following named parties by the method indicated below, and addressed to the following:

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