

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**REID STEWART,** )  
 ) **CASE NO. IPC-E-06-25**  
 **COMPLAINANT,** )  
 )  
 **v.** )  
 ) **ORDER NO. 30214**  
 **IDAHO POWER COMPANY,** )  
 )  
 **RESPONDENT.** )  
 )

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In August 2006, Reid Stewart made an informal complaint against Idaho Power objecting to the price the Company charges under its tariff to remove unused/unwanted power poles and distribution facilities from his property. Attempts to resolve the informal complaint were not successful. Having exhausted his informal complaint remedy, Mr. Stewart filed a “formal” complaint against Idaho Power on September 11, 2006. IDAPA 31.01.01.024. The Commission issued a Summons directing Idaho Power to answer the Complaint. On October 24, 2006, the Company filed a timely answer. Mr. Stewart filed a response to the Company’s answer on November 1, 2006. Neither party requested a hearing. After reviewing the Complaint, the answer, and the response, the Commission issues this Order.

**THE COMPLAINT**

On September 11, 2006, the Commission received a “formal complaint” (Motion for Competitive Bidding) from Reid Stewart. His Complaint states in its entirety:

I have paid Idaho Power Company \$150 in fees to get a quote for removal of approx 1200 feet of overhead power line. They require payment of over \$2600 within the next 60 days to proceed.

The problem is that the charge is many times more than the actual cost, in other words, the local contractor will remove the poles and line for much less cost. The Idaho Power Company will not consider allowing anyone else to remove the poles because they have a tariff allowing them to charge whatever they want. I am requesting the commission to allow me to remove the line at my cost and not pay Idaho Power Company excessive fees. It seems to me that allowing some competition would be in the public’s interest.

Mr. Stewart objects to the price the Company charges under its tariff to remove the power poles and lines from his property, and requests that the Commission allow him to remove the lines and poles.

#### IDAHO POWER ANSWER

On October 24, 2006, Idaho Power filed an answer to Mr. Stewart's Complaint. With its answer the Company filed a photograph of the last of the four poles to be removed including the transformers, as well as the work order estimate for the removal of the three-phase facilities. In its answer, Idaho Power elaborated that Mr. Stewart had inquired about the removal of power poles and equipment at two different locations on his property: a single-phase service, and a three-phase service. Answer at 1-4.

With regard to the single-phase service, Idaho Power states that Mr. Stewart had requested the removal of two poles from his property so that he could install a pivot irrigation system. *Id.* at 1-2. The poles were used to provide single-phase service to a manufactured home located on Mr. Stewart's property. *Id.* at 1. The single-phase service had not been unused since 2003. *Id.* In May 2006, an Idaho Power representative met with Mr. Stewart at his property and gave him a rough estimate of \$800 for the Company to remove two poles, line, a single-phase transformer, and related facilities. *Id.* at 2. At the time of the service visit the manufactured home was still located on the site. *Id.*

On June 10, 2006, Idaho Power's facility representative provided Mr. Stewart with a formal work order estimate regarding the removal of a three-phase service on Mr. Stewart's property. *Id.* This three-phase service is located several miles from the single-phase service that was the subject of Mr. Stewart's initial inquiry. *Id.* The three-phase service is for an irrigation pump that was currently active with a meter read of 8,000 kWh on September 25, 2006. *Id.* The facilities to be removed at this site include four power poles, four lines, cross arms, a three-phase transformer bank with cluster mount bracket, switches and a CT meter package. *Id.* The formal work order estimate for removal of the three-phase facilities is \$2,505.82. *Id.*

The Company states that it evaluated additional requests made by Mr. Stewart during Commission Staff's informal complaint process which include: (1) leaving the poles onsite for Mr. Stewart's use after removal, and (2) allowing Mr. Stewart's electrician to remove the poles. *Id.* The Company states that it is not willing to allow customer removal of facilities such as this because of: (1) the safety, reliability, and liability issues involved, and (2) the existing Rule H

Line Installation Tariff, which does not provide for customer removal of Company-owned facilities. Answer at 3.

### **MR. STEWART'S REPLY**

On November 1, 2006, the Commission received Mr. Stewart's reply to Idaho Power's answer. His reply states in its entirety:

I have received a copy of Idaho Power's answer and I need to clarify some items. On page 3, last paragraph, the company would remove poles for \$98.46 each. I contend my cost of \$100 each includes the wire and everything except the de-energize. The company could even drop the wire to the ground to further isolate the facilities from the reliability and safety issues the company is concerned about. I did explain this to company attorney Lisa Nordstrom on 10\13\06 and she reminded me the company maintains liability and workers compensation insurance. Of course I carry adequate insurance including liability and workers comp as well.

Mr. Stewart maintains that he wishes the Company to disconnect the facilities from their system, and allow him to be responsible for removing them either by himself or by someone else at his direction.

### **COMMISSION FINDINGS**

The Commission believes that there is sufficient evidence in the record to decide this matter. The Commission has jurisdiction to hear this dispute pursuant to *Idaho Code* §§ 61-503, 61-641, and 61-642. Mr. Stewart disagrees with the amount the Company wishes to charge him for the requested removal of Company-owned distribution facilities located on his property. He seeks an Order of the Commission allowing him to take responsibility for the removal of the facilities himself, and/or to employ a local contractor/electrician to do the work.

After reviewing the record in this matter, we find that Mr. Stewart's request should not be approved. Idaho Power's Commission-approved tariff specifies the process to be followed for the removal of distribution facilities. Idaho Power retains ownership and control of all its distribution facilities. Rule H, § 2.b. The tariff provides that the Company will give preliminary cost information to those requesting it, and that a formal cost quote is provided with pre-payment of engineering costs. *Id.* at § 2.a. If a customer requests the relocation or removal of Company-owned facilities, the customer must pay a non-refundable charge equal to the work order cost. *Id.* at § 5.a. The Company maintains control over the removal and salvage of its distribution facilities in order to minimize safety, liability, and system reliability issues inherent

in the removal of such facilities. We have not been persuaded that this case presents any circumstances that warrant the Commission to order the Company to deviate from the procedure in its approved tariff.

The requested work is not simply a matter of taking some unused poles out of the ground or cutting them down. It is a much more substantial undertaking involving a line crew to first de-energize the lines and then remove the lines, transformers, and poles. The Company anticipates using a four-person line crew, as well as a bucket truck, linebed, and pole jack. Answer at 4. The Company states that the total work order cost estimate is \$2,505.85. *Id.* at 3. Without removing the poles, the estimate is reduced to \$2,112. *Id.* Obviously, the majority of the cost is associated with de-energizing the line, grounding it, and removing the conductor and transformers. The Company uses highly trained and qualified personnel as well as specialized equipment to ensure that tasks such as this are performed in the safest and most reliable manner possible. The work order costs reflect this.

We find that the work order cost estimate provided to Mr. Stewart is a reasonable estimate of the costs that the Company would incur to remove the three-phase facilities. Furthermore, it is in the public interest that removal of facilities such as these be done with the utmost regard for safety, liability, system reliability and dependability. It is for just such reasons that Rule H of the Company's approved tariff provides that it retain ownership, control, and the right to remove and salvage such facilities. Consequently, the Commission finds that, should Mr. Stewart wish to pursue removal of Idaho Power facilities on his property, he proceed in conformance with Rule H of Idaho Power's approved tariff.

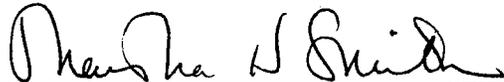
### **ORDER**

IT IS HEREBY ORDERED that Reid Stewart's Complaint against Idaho Power Company is dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order 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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29<sup>th</sup>  
day of December 2006.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

  
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DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

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