

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

REID STEWART,)	
)	
COMPLAINANT,)	CASE NO. IPC-E-06-25
)	
v.)	
)	
IDAHO POWER COMPANY,)	ORDER NO. 30233
)	
RESPONDENT.)	

On December 29, 2006, the Commission issued Order No. 30214 dismissing a formal complaint filed by Reid Stewart against Idaho Power Company. Mr. Stewart objected to the price the Company charges under its tariff to remove unused/unwanted power poles and distribution facilities from his property. On January 18, 2007, Mr. Stewart filed a Petition for Reconsideration. After reviewing the Petition and the record for this case, the Commission issues this Order denying the Petition for Reconsideration.

BACKGROUND

A. 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 objected to the price the Company charges under its tariff to remove the power poles and lines from his property, and requested that the Commission allow him to remove the lines and poles.

B. The Commission's Prior Order

In Order No. 30214, the Commission dismissed Mr. Stewart's Complaint primarily because it found the case did not present any circumstances warranting the Commission to order Idaho Power to deviate from the procedure set forth in its approved tariff. The Commission discussed the procedure under Rule H of Idaho Power's approved tariff for the removal of distribution facilities. The Commission found it to be in the public interest that the removal of facilities, such as that requested in this case, be done with the utmost regard for safety, liability, system reliability and dependability. The Commission stated that it is for just such reasons that Rule H of the Company's approved tariff provides that the Company retain ownership, control, and the right to remove and salvage such facilities. The Commission also discussed the work order cost estimate submitted by Idaho Power and found it to be a reasonable estimate of the costs that the Company would incur to remove the three-phase facilities as requested. Consequently, the Commission found that if Mr. Stewart wished to pursue removal of the facilities as requested, he should proceed in conformance with Rule H of Idaho Power's approved tariff.

THE PETITION FOR RECONSIDERATION

On January 18, 2007, Mr. Stewart filed a timely Petition for Reconsideration of Order No. 30214. His Petition states in its entirety:

I am writing to petition for reconsideration. The commission has found it is a substantial undertaking to remove the line; however once the power company has cut the conductor, I fail to see how my removal and salvage can impact safety, liability, and system reliability.

The company has provided detailed costs, and it may be possible to separate the cost of de-energizing, and cutting the conductor.

Thank you very much in your consideration in this matter, if this format is not acceptable, please let me know. And at least give me some more time.

DISCUSSION AND FINDINGS

Reconsideration provides an opportunity for a party to bring to the Commission's attention any issue previously determined and 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). In those instances where an aggrieved party asks

the Commission to reconsider its decision based upon the record, the Commission may simply do so. IDAPA 31.01.01.331. In this instance, Mr. Stewart has not introduced any additional evidence but has requested the Commission to reconsider its decision based upon the record.

Mr. Stewart's Petition for Reconsideration essentially reiterates his request and argument that he wishes the Commission to order Idaho Power to deviate from the procedure outlined in Rule H of its approved tariff by ordering the Company to disconnect the facilities from their system and allow him to be responsible for removing them. As the Commission previously stated, Idaho Power retains ownership and control of all its distribution facilities. Rule H, § 2.b. 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 presented with any additional information or evidence that would persuade us that this case presents any circumstances that warrant the Commission to order the Company to deviate from the procedure in its approved tariff.

We continue to find that the work order cost estimate provided by Idaho Power is a reasonable estimate of the costs that the Company would incur to remove the three-phase facilities. Likewise, we continue to find that 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. As previously stated, 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 reiterates 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.

Based upon our review of the Petition for Reconsideration and the record, we affirm the findings contained in our prior Order No. 30214.

ORDER

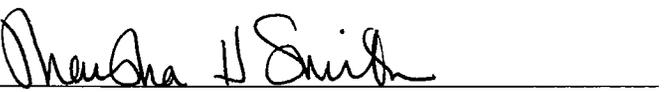
IT IS HEREBY ORDERED that the Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No.

IPC-E-06-25 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.

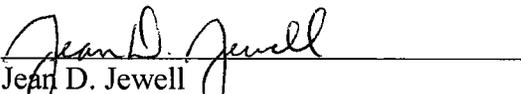
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of February 2007.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary