

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

JONATHAN GIBBS,)	
)	CASE NO. IPC-E-08-18
COMPLAINANT,)	
)	
v.)	
)	ORDER NO. 30682
IDAHO POWER COMPANY,)	
)	
RESPONDENT.)	

On August 14, 2008, the Commission received a complaint from Jonathan Gibbs against Idaho Power Company. At his request, Idaho Power installed underground service to Mr. Gibbs' cabin in a new subdivision in New Meadows. Idaho Power provided a Customer Cost Quote that included \$4,000 to cover costs incurred for encountering "unusual conditions" in digging the required service trench. According to Mr. Gibbs' complaint, Idaho Power did not provide a "breakdown of the costs of the unusual conditions," nor identify the amount paid to the trenching contractor. Several weeks after the job was completed, Mr. Gibbs received a refund check for \$81.60, but "no explanation of the charges." Mr. Gibbs also asserted he could have hired a contractor to complete the trenching for significantly less than the amount paid by Idaho Power.

Idaho Power filed a response to the complaint on September 23, 2008. According to Idaho Power, the cost quote provided to Mr. Gibbs included \$4,000 for unusual conditions because the Company anticipated that rock would be encountered in digging the trench. The Company's contractor did trench through 160 feet of rock and billed Idaho Power \$3,918.40 for this unusual condition. Idaho Power also asserted its representative "may have discouraged Mr. Gibbs from providing his own primary trenching, but Mr. Gibbs was not told he could not provide his own primary trench." Idaho Power Answer p. 7.

Staff notified the Commission on October 6, 2008 that Mr. Gibbs did not request a hearing to present evidence or oral argument, and instead had decided to present his case on the pleadings filed with the Commission. Accordingly, we have reviewed Mr. Gibbs' complaint and Idaho Power's answer, including attachments, and determined that Mr. Gibbs' complaint should be dismissed.

Mr. Gibbs signed the Customer Cost Quote provided by Idaho Power on May 20, 2008, prior to commencement of the trenching. Mr. Gibbs paid the quoted amount of \$6,383 in advance of construction, which included \$4,000 if the Company experienced unusual conditions. On the same day Mr. Gibbs signed an Unusual Conditions Acknowledgement, identifying unusual conditions as construction conditions not normally encountered, and included rock digging as one example. The unusual conditions definition is from Idaho Power's Rule H tariff that provides terms for line installation charges. The charges in Rule H are based on average costs encountered in normal conditions. If unusual conditions are not encountered, the customer is refunded the amount included in the quote for unusual conditions. The Unusual Conditions Acknowledgment specifically states that unusual conditions "may include but are not limited to ... rock digging."

Idaho Power used an outside contractor for the trenching. The total length of the trench was 180 feet that included 160 feet of rocky trench at \$24.49 per foot. The total charge for the unusual conditions was \$3,918.40, and Mr. Gibbs was refunded the balance of \$81.60. Although Mr. Gibbs contends that digging through rock is not unusual for that area, he signed an acknowledgement that rock digging was considered unusual under Idaho Power's Rule H tariff, requiring additional expense. Idaho Power did, in fact, pay its contractor \$3,918.40 for rock digging, which was properly charged against the unusual conditions fee collected from Mr. Gibbs.

When Mr. Gibbs filed his complaint on August 12, 2008, he apparently had not received information from Idaho Power about the specific costs incurred in digging his service trench. The complaint states that "I asked Idaho Power to give me the breakdown of the costs of the unusual conditions and all they told me was they had to dig through 160 feet of solid rock. I would like to see what they paid the outside contractor for that job." Idaho Power provided that information in its answer, but should have provided it directly to Mr. Gibbs in a more timely manner.

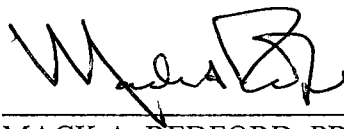
Finally, although Mr. Gibbs initially stated that he was not told he could provide his own trenching, he did not press that as part of his complaint filed on August 12, 2008. Idaho Power presented evidence that the rock digging expense was reasonable and properly charged by the trenching contractor. On the record in this case, we find that Mr. Gibbs' complaint should be dismissed.

ORDER

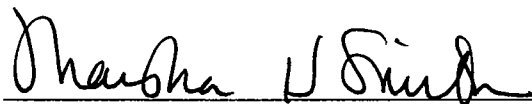
IT IS HEREBY ORDERED that the complaint filed by Jonathan Gibbs against Idaho Power Company on August 12, 2008 is hereby dismissed.

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. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

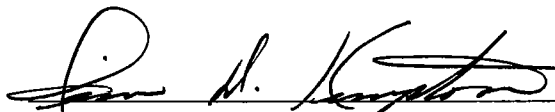
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21st day of November 2008.



MACK A. REDFORD, PRESIDENT

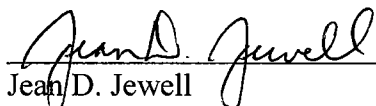


MARSHA H. SMITH, COMMISSIONER



JIM D. KEMPTON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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