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IDAHO PUBLIC
UTILITIES COMMISSION

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September 21, 2009

VIA HAND DELIVERY

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

Re: Case No. IPC-E-08-22
Rule H

Dear Ms. Jewell:

Enclosed for filing please find an original and seven (7) copies of Idaho Power Company's Reply Brief on Reconsideration in the above matter.

Very truly yours,

Lisa D. Nordstrom

LDN:csb
Enclosures

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF IDAHO POWER COMPANY FOR) CASE NO. IPC-E-08-22
AUTHORITY TO MODIFY ITS RULE H)
LINE EXTENSION TARIFF RELATED TO) IDAHO POWER COMPANY'S
NEW SERVICE ATTACHMENTS AND) REPLY BRIEF ON
DISTRIBUTION LINE INSTALLATIONS.) RECONSIDERATION
_____)

Idaho Power Company (hereinafter "Idaho Power" or "Company") hereby submits its Reply Brief on Reconsideration pursuant to the Commission's Interlocutory Order No. 30883, issued August 19, 2009, and Idaho Code § 61-626 and RP 322.

In Interlocutory Order No. 30883, the Commission directed the Ada County Highway District ("ACHD"), City of Nampa ("Nampa"), and the Association of Canyon County Highway Districts ("ACCHD") (hereinafter collectively "the Public Road Agencies" or "PRAs") to file Briefs concerning the legal arguments the Public Road Agencies have raised in this proceeding. Idaho Power was also given the opportunity to respond to the Public Road Agencies Briefs. Idaho Power's response is as follows:

I. Those Who Cause Costs to be Incurred Should Pay Those Costs.

In reading a legal brief, it is difficult not to become immersed in the details of the various statutes and court decisions discussed in the brief. However, in reviewing the briefs in this case, it is particularly important not to lose sight of the forest because of the trees. Idaho Power initiated this proceeding to implement changes to its Rule H in furtherance of one of the fundamental principles of electric utility regulation; that to the extent practicable, utility costs should be paid by those entities that cause the utility to incur the costs. This principle is often referred to as “cost-causation” and is one of the bedrocks of utility regulation. Idaho Power’s Rule H is a good example of how the Commission exercises its jurisdiction to address a “cost-causation” by requiring those entities that cause Idaho Power to incur additional costs to pay those additional costs. If the “cost-causers” do not pay, the electric rates for the utilities’ other customers will be higher than they would otherwise be. If that result is allowed, Idaho Power’s rates are neither “just and reasonable” as required by Idaho Code § 61-503 nor non-discriminatory and non-preferential as required by Idaho Code § 61-515.

This principle is not an alien one for PRAs. In the past, they have expressed the need to assess and recover impact fees from entities that require the PRAs to construct road improvements. The PRAs, like Idaho Power, have frequently emphasized the need to have “growth pay its way.” The situation is identical when considering recovery of the costs of mandatory utility relocations. Growth should pay its way.

Section 10 is new to Rule H. Idaho Power decided to add Section 10 and the associated definitions contained in Section 1 of Rule H for two reasons. First, Section 10 is intended, to the extent permitted by law, to accomplish exactly what Rule H is

intended to accomplish, that is to recover costs from those entities that cause the costs to be incurred.

Second, Idaho Power felt it was necessary to add Section 10 to Rule H because of increasing concerns relating to public road agencies inappropriately facilitating shifts of relocation expenses to Idaho Power and its customers. Idaho Power witness David R. Lowry presented direct testimony describing this recent trend toward shifting relocation expenses. (Lowry DI, pp. 5-8.) ACHD has acknowledged the cost-shifting problem in the past. ACHD's Resolution 330, upon which Idaho Power's Section 10 or Rule H is patterned, is a workable, reasonable approach to the problem. Because there are so many PRAs in the Company's service area, the Company concluded that the most practical way to establish a uniform approach across its entire service area was to include Section 10 in Rule H.

II. Idaho Power Does Not Dispute Public Road Agencies' Authority to Manage Their Rights-of-Way and Require Relocations.

The PRAs' Briefs can each be separated into two major parts. The first part of each of the PRAs' Briefs consists of a recitation of the statutes and case law that describe the jurisdiction of PRAs over their respective rights-of-way and their ability to require utilities to relocate utility facilities previously placed in public rights-of-way. The cases and statutes cited are the same ones the PRAs identified in their prior comments in this proceeding. The cases and statutes they cite are straightforward and speak for themselves. In general, Idaho Power does not dispute the general propositions presented by the PRAs in this first part of their Brief that:

1. PRAs have exclusive general supervision and jurisdiction over all highways and public rights-of-way within their highway system and full power to

establish design standards and establish use standards. (ACHD Brief, p. 3; Joint Brief, p. 2.)

2. Idaho Power only has a permissive right to use the public rights-of-way for its facilities and if a PRA directs Idaho Power to relocate its facilities to a new location in the public right-of-way because those facilities “incommode the public,” such order does not constitute a taking of Idaho Power’s property. (ACHD, pp. 5-6; Joint Brief, p. 2.)

Idaho Power respectfully disagrees with the balance of the PRAs’ arguments presented in their Briefs.

III. Section 10 of Rule H Does Not Encroach on the PRAs’ Legal Authority or Operations.

While PRAs assert repeatedly in their Briefs that Section 10 of Rule H would be a material abridgement of the PRAs’ authority and would therefore compromise their ability to manage highways and roads, they do not provide any examples of a fundamental management function of the PRA that will be adversely affected by Section 10 of Rule H. In the case of the ACHD, it is difficult to see how it could point out any material problems because Idaho Power and ACHD have operated under Resolution 330, which is very similar to Section 10 of Rule H, for more than twenty years.

As proposed, Section 10 of Rule H allows the three PRAs to continue to: (1) fully exercise their authority to determine that Idaho Power must relocate its facilities in public rights-of-way to accommodate road improvements and (2) determine the percentage, if any, a road improvement will benefit a third party and collect that percentage from the third party. Under Section 10 of Rule H, Idaho Power will use the same percentage the PRA initially used to allocate the costs of the road improvement to

then allocate the cost of relocation of Idaho Power facilities to the same third parties that contributed to the costs of the road improvement.

In its Reply Comments, Idaho Power presented a flowchart which shows how the PRA and the Commission would each exercise its jurisdiction in implementing Section 10 of Rule H. Attachment No. 7 illustrates how Section 10 of Rule H would in no way encroach on the jurisdiction or operations of the PRAs. For the Commission's convenience, a copy of Attachment No. 7 is attached to this Reply Brief.

IV. The Commission Has Exclusive Jurisdiction Over Utility Facility Relocation Expense.

The second parts of each of the PRAs' two briefs are directed to the Commission's purported lack of jurisdiction to approve Section 10 or Rule H. Both PRAs assert that the Commission does not have legal authority to require anyone to reimburse the Company for costs the Company incurs to relocate utility facilities in a public right-of-way. They claim no Commission jurisdiction exists, even when a relocation is required to provide a direct benefit to the private property of a non-PRA, such as a real estate developer or land owners whose property is adjacent to a public road. The Joint Brief of Nampa and ACCHD unequivocally states the PRAs' position:

Similarly, the Public Utilities Act does not give the IPUC the jurisdiction to take utility relocation costs and impose the duty to pay them on public road agencies, government entities, developers, or other third parties alleged to have specifically benefited from the improvements. Idaho Code § 67-205 provides no express or implied authority for utilities to charge third parties for relocations. If the governing public road agency determines that relocation is necessary to support the public use and safety, the utility must relocate at its own cost.

(Joint Brief, p. 4.)

In making this broad assertion, Nampa and ACCHD fail to acknowledge that Idaho Power constructs relocations of its facilities for its customers every day. Those relocations are governed by Rule H. Rule H has been in effect, in one form or another, for at least thirty years.

No one seriously argues, and the PRAs do not so argue, that the Commission does not have the authority to regulate how Idaho Power charges for relocating its utility facilities when a customer requests that they be moved. Rule H requires that the beneficiaries of a relocation of utility facilities must pay the cost of relocating those facilities. For example, if a real estate developer needs to have Idaho Power facilities relocated to accommodate the entrance to a new subdivision, Rule H governs that relocation and establishes how those costs will be recovered from the developer. If a PRA asked Idaho Power to relocate its facilities not in the public right-of-way in order to accommodate construction of a new building for the PRA, Rule H would apply and would require that the PRA bear the cost of that relocation. PRAs do not assert that the Commission has no jurisdiction over utility facility relocations in those situations.

It is only when utility facilities are located in public road rights-of-way that PRAs assert that the Commission is divested of jurisdiction over utility facility relocations. In that one instance, they argue an exception to the general rule is legally mandated. Idaho Power respectfully submits that PRAs' position is neither reasonable nor legally correct.

V. The Commission's Authority to Regulate How Idaho Power Charges Its Customers for Relocations Comes Directly from the Idaho Code.

In their briefs, the PRAs correctly note that the jurisdiction of the Commission is limited to the authority given to it by the Legislature. They cite the *Kootenai*

Environmental Alliance case and others as support for that proposition. The PRAs rely on the broad discussions of the limits of the Commission's jurisdiction in *Kootenai* to assert that the Commission does not have the requisite authority to approve Section 10 of Rule H. Idaho Power respectfully submits that the PRAs' assertions in that regard are incorrect. In order to understand how the Commission derives its jurisdiction to approve Section of Rule H, it is necessary to consider several provisions of the Idaho Code.

In exercising its jurisdiction, the Idaho Supreme Court has noted that the Commission is allowed all power necessary to effectuate its purpose. Idaho Code § 61-501 provides as follows:

61-501. Investment of Authority. The public utilities commission is hereby vested with power and jurisdiction to supervise and regulate every public utility in the state and to do all things necessary to carry out the spirit and intent of the provisions of this act.

Idaho Code § 61-503 provides as follows:

61-503. Power to investigate and fix rates and regulations. The commission shall have power, upon a hearing, had upon its own motion or upon complaint, to investigate a single rate, fare, toll, rental, charge, classification, rule, regulation, contract or practice, or any number thereof, or the entire schedule or schedules of rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices, or any thereof, of any public utility, and to establish new rates, fares, tolls, rentals, charges, classifications, rules, regulations, contracts or practices or schedule or schedules in lieu thereof.

Idaho Code § 61-315 provides as follows:

61-315. Discrimination and preference prohibited. No public utility shall, as to rates, charges, service, facilities or in any other respect, make or grant any preference or advantage to any corporation or person or subject any

corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities or in any other respect, either as between localities or as between classes of service. The commission shall have the power to determine any question of fact arising under this section.

Idaho Code § 61-507 provides as follows:

61-507. Determination of rules and regulations. The commission shall prescribe rules and regulations for the performance of any service or the furnishings of any commodity of the character furnished or supplied by any public utility, and, on proper demand and tender of rates, such public utility shall furnish such commodity or render such service within the time and upon the conditions provided in such rules.

Idaho Code § 61-301 provides as follows:

61-301. Charges just and reasonable. All charges made, demanded or received by any public utility, or by any two (2) or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded or received for such product or commodity or service is hereby prohibited and declared unlawful.

Idaho Code § 61-302 provides as follows:

61-302. Maintenance of adequate service. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

With that general statutory foundation laid, Idaho Power can address the specific argument of the PRAs.

Throughout their Briefs, the PRAs repeatedly argue that the Public Utility Law does not refer to "relocation of utility facilities located in public rights-of-way." They

argue that without a specific reference in the statutes to the Commission's jurisdiction to "impose upon public road agencies, entities of government, third parties, and developers the duty to pay for such relocations . . ." (ACHD Brief, p. 10), the Commission is without jurisdiction to approve Section 10 of Rule H. Such a view is inconsistent with the Idaho Supreme Court's interpretation of the scope of the Commission's jurisdiction under the above-cited statutes and the Commission's obligation to act in the public interest.

In an Idaho Power rate case in 1978, the Commission approved a new rate design for irrigation customers in which the Commission cited concepts of energy conservation, optimum use of energy, and resource allocation as some of the support for its decision. Grindstone Butte Mutual Canal Company and a number of other irrigation and soil drainage customers appealed the Commission's decision. The appellants contended that the Commission acted outside its constitutional and statutory limitations by giving consideration to a number of concepts that are not specifically identified in the Public Utility Law. In *Grindstone Butte Etc. v. Idaho Power*, 102 Idaho, 175, 627 P.2d 804 (1981), the Court upheld the Commission's rate design decision and in its Opinion explained that the Commission operates in the public interest and can take into consideration relevant criteria in setting utility rates and charges.

Appellants contend that the Commission acted outside its constitutional and statutory limitations by giving consideration to the concepts of conservation, optimum use and resource allocation. We do not agree. While the Idaho Public Utilities Commission is a body with statutorily defined jurisdiction, it is also true that the Commission operates in the public interest to insure that every public utility operates as shall promote the safety, health, comfort of the public and as shall be in all respects adequate, efficient, just and reasonable. I.C. §§ 61-301 & 61-302. The power to fix rates

is for the public welfare. *Agricultural Products v. Utah Power & Light Co.*, *supra*. The Commission has the authority to investigate and determine whether a rate is unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provision of law. I.C. §§ 61-502 & 61-503. 'Every power expressly granted, or fairly to be implied from the language used, where necessary to enable the Commission to exercise the powers expressly granted should be afforded.' *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). *Citing United States v. Utah Power & Light Co.*, 98 Idaho 665, 667, 570 P.2d 1353, 1355 (1977), quoting 64 Am. Jur.2d, Public Utilities, § 232 (1972). Absent a legislative pronouncement to the contrary, we find it within the Commission's jurisdictional province to consider in its rate making capacity all relevant criteria including energy conservation and concomitant concepts of optimum use and resource allocation. In the proceedings below, we find no error in these considerations as made by the Commission in what it perceived as a need to develop new rate designs which would be responsive to current economic realities. It is in the public interest to make such considerations in decisions which impact upon the consumption of energy, especially in light of the advancing 'political, economic and environmental costs imposed on society.' *Bunker Hill Co. v. Washington Water Power Co.*, 98 Idaho 249, 253, 561 P.2d 391, 395 (1977). (*Grindstone Butte Etc.*, 102 Idaho 175, 181 (1981).

It is beyond question that it is within the Commission's statutory authority and obligation to protect the public interest by establishing utility practices, like Rule H, that help ensure that entities that cause a utility to increase its costs are required to pay rates and charges that recover those costs and do not shift such costs to the utilities' other customers.

Even though the terms "mandatory relocation of utility facilities from the public right-of-way" or "payment for relocations" are not set out in the statutes that establish the Commission's jurisdiction, the Commission has a right to rely on its undisputed authority to require developers and other customers to pay for utility line extensions and

line relocations. The Commission also has a right to rely its obligation to act in the public interest as authority to allocate the costs of mandatory utility relocations to those non-PRA entities that receive a private benefit from expansion or modification of the public right-of-way.

In their Briefs, PRAs cast Order No. 30853 as an effort on the part of the Commission to “regulate” PRAs, local improvement districts, land owners adjacent to public roads, and real estate developers. ACHD argues in its Brief that “the state’s highway districts, public road agencies, entities of government, third parties, and developers are not ‘public utilities’ as defined in Idaho Code § 61-129.” (ACHD, p. 9.) ACHD’s argument goes too far. Rule H does not subject any of these parties to utility-type regulation. But it does make it clear that these parties are subject to the Commission’s authority to authorize Idaho Power to establish rules and regulations and set rates and charges so that the Company can recover the cost of relocating its *facilities just like it could if the utility facilities were not in public rights-of-way*. By requiring the developers and others to provide reimbursement, Section 10 will reduce upward pressure on retail rates and avoid discrimination and preference as required by Idaho Code § 61-315.

ACHD, the City of Nampa, and ACCHD take umbrage at Idaho Power’s observation that an Idaho Power customer in Pocatello does not see the benefit from roadway improvements constructed to accommodate a new shopping center in Nampa. All of the PRAs go to great lengths to explain how, while it may not look like projects such as those described above would confer a benefit on an Idaho Power customer in Pocatello, in fact, all public road improvements, including those made to develop new

entrances to shopping centers or to put in sidewalks in Nampa, provide a benefit to Idaho Power's customers across the state and therefore it is reasonable to expect the Company to pay relocation costs in those instances. (Joint Brief, p. 4; ACHD Brief, p. 14.)

These arguments simply gloss over the fact that if the developers and third-party beneficiaries do not pay the costs Idaho Power incurs to relocate its facilities, those costs are transferred to all of Idaho Power's customers and place upward pressure on rates. Idaho Power does not believe it is unreasonable to expect that those non-PRA entities that cause Idaho Power to incur costs, bear those costs. Customers in Jerome or McCall should not be forced to subsidize economic development in Nampa or Boise cloaked in the guise of public safety or convenience.

**VI. Avoidance of "Contribution Competition" is
Not a Reasonable Basis for Rejection of Section 10.**

ACHD argues that if the Commission approves Section 10 of Rule H, this will "artificially and inappropriately inject the allocation of utility relocation costs into any development agreement between highway districts and third parties." (ACHD Brief, p. 11.) Nampa and ACCHD make the same claim in more detail in their Joint Brief.

Section 10 and its treatment of third party beneficiaries would interfere with the ability of the public road agencies to cooperate with other government entities, with neighborhoods, and with developments. Rather than being in a position to negotiate and cooperate between parties, Section 10 imposes a scheme where now these entities are in competition with each other to minimize their contribution to the project and therefore avoid Idaho Power imposing relocation costs. This is another example of how Section 10 as proposed interferes with the exclusive authority of public road agencies and impedes their ability to negotiate appropriately with all parties.

(Joint Brief, p. 6.)

This argument by the PRAs is troubling. It indicates that in their dealings with local developers, local improvement districts ("LIDs"), etc., one of the PRAs' principal concerns would be making sure that payments to Idaho Power for utility relocations are minimized to the extent needed to achieve an agreement rather than allocating costs according to public/private benefit. Idaho Power is concerned that a desire to encourage local economic development might be coloring how local road improvements are being characterized at the expense of Idaho Power's customers outside of the PRAs.

It should be noted that ACHD's Resolution 330 would seemingly cause the same problem. Idaho Power appreciates ACHD's ability to manage this issue over the past twenty years that Resolution 330 has been in effect.

VII. Section 10 of Rule H Should be Applied to LIDs.

In their briefs, both PRAs argue that local improvement districts or LIDs must be excluded from the application of Section 10 of Rule H. They argue that because LIDs are created by government units, i.e., a city, highway district, or public road agency, they must be excluded from the application of Section 10 of Rule H. Idaho Power respectfully disagrees. First, a LID is not a public road agency that is charged with operating and maintaining public roads. An LID is simply a vehicle by which taxation can occur but not be included in the general budget of a public road agency. The only function the LID performs is to collect money. Idaho Power does not believe it is unreasonable to expect a LID to include in the amount of money it will fund an amount to cover the cost of utility facility relocation. In his testimony in this proceeding, Idaho

Power witness David Lowry discusses the problems that can occur when local improvement districts are formed to install sidewalks or other improvements which require the relocation of Company facilities. He explains that if the LID has no obligation to include the cost of utility relocation as a part of the cost of the work to be done, the LID will collect funding from nearby property owners only for the cost of the improvements and the cost of relocating city utilities but not for the cost of relocating other utilities in the right-of-way. (Lowry DI, p. 6, l. 17 through p. 7, l. 12.) Mr. Lowry also included as Exhibit No. 1 to his testimony correspondence describing how the lack of requirement for a LID to include costs of relocation of Idaho Power's facilities in its funding requirement resulted in adverse impacts to an Idaho Department of Transportation highway project and ultimately prevented the Company from recovering its relocation costs.

In light of problems the Company has experienced with LIDs and the fact that it would be very easy for LIDs to include cost of utility relocations in their initial funding, Idaho Power urges the Commission to retain LIDs among the entities subject to Section 10 of Rule H.

VIII. ACHD Misunderstands Subsection (D) of Section 10 of Rule H.

On page 16 of its Brief, ACHD concludes that the Commission made an erroneous finding when the Commission held:

'Section 10 in no way grants Idaho Power or this Commission authority to impose such costs on a public road agency.' ACHD directs the IPUC to Subsection d of Section 10 which states: '. . . where the Company has a private right of occupancy for its power line facilities within the public right-of-way, such an easement or other private right, the costs of the relocation is borne by the Public Road Agency.'

ACHD interprets Subsection (d) as requiring that PRAs pay for utility relocations associated with road projects. ACHD asserts that this is a violation of the Idaho Constitution. ACHD wrongly interprets Subsection (d) of Section 10. Subsection (d) applies specifically to those very limited situations where a utility is occupying a privately owned right-of-way that crosses a public right-of-way. Idaho Power witness Lowry addressed how that can happen on page 5 of his prefiled testimony (Lowry, p. 5, ll. 1-12.) Probably the most common instance of how this occurs is when a PRA decides to expand the width of a public road and in so doing, expands its public right-of-way to include land where utility facilities are located on a private easement that the utility purchased prior to the road expansion. In that situation, Idaho Power has the same status as any private property owner that has its property acquired by a PRA. Failure to compensate the utility would constitute an unlawful taking under both Art. I § 14 of the Idaho Constitution and the Fifth Amendment of the United States Constitution. ACHD's argument that Subsection (d) of Rule H is inconsistent with the Idaho Constitution is further rebutted by the fact that ACHD's own Resolution 330 acknowledges that in situations involving private utility easements, relocation costs will be the responsibility of ACHD. See Resolution 330, Exhibit A to Affidavit of Susan K. Slaughter, Section 1.A.(2).

If a utility or sewer company has facilities located on private property, with a right of occupancy other than its right to locate in a public right-of-way, and the District requires that any facility so located be relocated, the actual costs for such relocation shall be the responsibility of the District. Such costs shall be exclusive of profit allowances.

IX. Idaho Power Will Work With PRAs to Avoid Scheduling Conflicts.

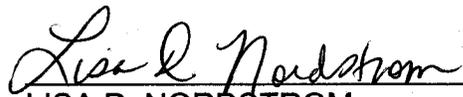
In its brief, ACHD expresses concern that Section 10 of Rule H could impact a PRAs' schedule for performing road improvements (ACHD Brief, p. 12.) In particular, ACHD expresses concern about the portion of Section 10 that requires payments from third-party beneficiaries to cover relocation costs be made prior to the Company performing relocation work. Idaho Power acknowledges that scheduling of construction, for both Idaho Power and the PRAs, can be complicated and there are economic impacts associated with scheduling. Fortunately, Idaho Power and ACHD have a long history of cooperation in scheduling construction in accordance with the provisions of Resolution 330. Idaho Power believes that it has maintained a good working relationship with ACHD and will continue, as it has over the past twenty years, to work with ACHD and other PRAs in scheduling utility relocations to coordinate with highway construction projects initiated by the PRAs. Idaho Power believes it does a good job of working with all PRAs in scheduling and completing utility relocations in response to PRA-initiated construction projects. The inclusion of Section 10 in Rule H will not change that commitment to cooperation and coordination.

X. Conclusion.

Idaho Power acknowledges the common law rule that the utility's use of the public road right-of-way is subordinate to the paramount use of the public road right-of-way if that use "incommodes the public." Nor does Idaho Power contest the Public Road Agencies' authority to determine that the relocation of utility facilities is necessary, or to require that the relocation be paid by the utility if no private easement exists. Section 10 does not encroach on the Public Road Agencies' authority in this regard; it

establishes how Idaho Power will allocate those costs among its customers and third-party beneficiaries *after* the Public Road Agencies' have made their initial determination. However, once paid the amounts owed by the utility, the PRAs have no authority to determine how the utility will seek *subsequent reimbursement* from third parties benefitting from the facilities relocation. This is solely the domain of the Commission, which is invested with the authority to do all things necessary to carry out the spirit and intent of the Public Utilities Law to ensure that customer rates are "just and reasonable." Consequently, Idaho Power respectfully requests the Commission issue an Order affirming its findings in Order No. 30853 and denying the Petitions for Reconsideration filed by the Public Road Agencies.

DATED at Boise, Idaho, this 21st day of September 2009.



LISA D. NORDSTROM
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of September 2009 I served a true and correct copy of IDAHO POWER COMPANY'S REPLY BRIEF ON RECONSIDERATION upon the following named parties by the method indicated below, and addressed to the following:

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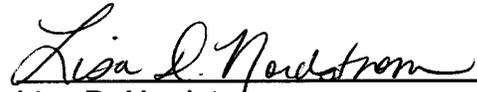
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Lisa D. Nordstrom

BEFORE THE

IDAHO PUBLIC UTILITIES COMMISSION

CASE NO. IPC-E-08-22

IDAHO POWER COMPANY

ATTACHMENT NO. 7

RELOCATIONS FLOWCHART

