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IDAHO PUBLIC  
UTILITIES COMMISSION

LISA D. NORDSTROM  
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May 18, 2012

**VIA HAND DELIVERY**

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, Idaho 83702

Re: Case No. IPC-E-08-22  
Modification of Rule H Line Extension Tariff – Idaho Power's Brief on  
Reconsideration Regarding Relocation Requests from Third Parties

Dear Ms. Jewell:

Enclosed for filing are an original and seven (7) copies each of Idaho Power Company's Brief on Reconsideration Regarding Relocation Requests from Third Parties and Affidavit of David R. Lowry in Support of Idaho Power Company's Brief on Reconsideration Regarding Relocation Requests from Third parties filed in the above matter.

Very truly yours,

  
Lisa D. Nordstrom

LDN:kkt  
Enclosures

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Attorneys for Idaho Power Company

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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 BRIEF
NEW SERVICE ATTACHMENTS AND	)	ON RECONSIDERATION
DISTRIBUTION LINE INSTALLATIONS	)	REGARDING RELOCATION
	)	REQUESTS FROM THIRD PARTIES
	)	

Pursuant to the Idaho Public Utilities Commission's ("Commission") RP 255 and 332, Idaho Power Company ("Idaho Power" or "Company"), by and through its attorneys of record, hereby submits this Brief on Reconsideration Regarding Relocation Requests from Third Parties to the Commission in response to the Commission's Order No. 32532 dated April 24, 2012.

**I. BACKGROUND**

The Commission issued its Order No. 32476 in this case on March 7, 2012, approving Idaho Power's Amended Section 10 of Rule H, with certain modifications. Ada County Highway District and Build Idaho, Inc. filed Petitions for Reconsideration of Order No. 32476, and the Commission convened a hearing for oral argument on April 19, 2012,

to assist the Commission in its consideration of the Petitions for Reconsideration. On April 24, 2012, the Commission issued Order No. 32532, which granted reconsideration of Commission Order 32476 “solely to provide the opportunity for the parties to develop the record regarding paragraph 3 of Section 10... to clarify in the record whether a third party may request relocation of Idaho Power’s facilities that are located in a public roadway from Idaho Power.” Order No. 32532 further states that “[t]he parties may present their evidence in the form of affidavits, accompanied by written briefs.”

## **II. ARGUMENT**

As Idaho Power stated at the Commission’s April 19, 2012, hearing for oral argument, third parties may request the relocation of Idaho Power facilities located in the public road right-of-way (Hearing Transcript at 28-29, 34). Filed herewith is an affidavit from David R. Lowry, Project Design Leader for Idaho Power Company, identifying several projects in recent years where Idaho Power has relocated facilities located in the road right-of-way at the request and expense of a third party.

Third parties may directly request power line relocations within a public road right-of-way for a number of reasons. Oftentimes the relocations occur where a private developer is improving property adjacent to the power line and wishes to have the power line relocated to a different overhead position or relocated underground. The developer may desire the relocation for improved access to the development for aesthetic purposes or to meet the requirements for future road widening at the site.

In other cases, Idaho Power has received requests from Idaho cities to relocate facilities in the road right-of-way underground for aesthetic purposes, with the relocation costs paid by the city. In all of the relocation projects identified in Mr. Lowry’s affidavit,

the third party made its relocation request and relocation payment directly to Idaho Power.

### **III. CONCLUSION**

As the examples referenced in Mr. Lowry's testimony show, Idaho Power does receive requests from third parties to relocate power line facilities which are located in public road rights-of-way in Idaho. The third paragraph of Section 10 of Rule H applies to these requests, and specifies that the Private Beneficiary making the request is to pay for the cost of the relocation. The third paragraph also provides a process for either Idaho Power or the Private Beneficiary to seek resolution from the Commission if there is a dispute between the parties regarding the reasonableness of the Company's calculation of the cost responsibility for the relocation. These provisions are necessary and appropriate to govern situations where Private Beneficiaries request the relocation of Company facilities within the public road right-of-way, and the third paragraph of Section 10 should accordingly be retained as previously requested by the Company in this proceeding.

Respectfully submitted this 18<sup>th</sup> day of May, 2012.

  
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LISA D. NORDSTROM  
Attorney for Idaho Power Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of May, 2012 I served a true and correct copy of IDAHO POWER COMPANY'S BRIEF ON RECONSIDERATION REGARDING RELOCATION REQUESTS FROM THIRD PARTIES upon the following named parties by the method indicated below, and addressed to the following:

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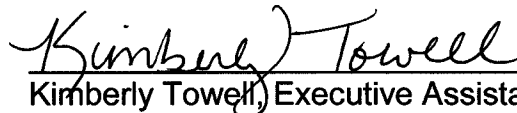
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