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July 22, 2009

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IDAHO PUBLIC
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IDAHO PUBLIC UTILITIES COMMISSION
P. O. Box 83720
Boise, ID 83720-0074

RE: Case No. IPC-E-08-22:

***In the Matter of the Application of Idaho Power Company for Authority to
Modify its Rule H Line Extension Tariff Related to New Service Attachments
and Distribution Line Installations***

**Intervenors: Association of Canyon County Highway Districts; and
(2) City of Nampa**

Dear Commission:

Enclosures:

1. (original + 7 copies) *Petition for Reconsideration* – by Intervenor City of Nampa; and
2. (original + 7 copies) *Petition for Reconsideration* – by Intervenor Association of Canyon County Highway Districts; and

Enclosed for filing with the IPUC, please find two separate *Petitions for Reconsideration* in connection with the above referenced matter.

Please contact this office if you have any questions. Thank you.

Sincerely,

WHITE PETERSON



LeAnn Hembree

Legal Assistant to Matthew A. Johnson

Encls.

Cc: counsel of record
Clients

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IDAHO PUBLIC UTILITIES COMMISSION

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Association of Canyon County Highway Districts

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION
OF IDAHO POWER COMPANY FOR
AUTHORITY TO MODIFY ITS RULE H
LINE EXTENSION TARIFF RELATED TO
NEW SERVICE ATTACHMENTS AND
DISTRIBUTION LINE INSTALLATIONS

) CASE NO. IPC-E-08-22
)
)
) **PETITION FOR**
) **RECONSIDERATION**
)
)

The ASSOCIATION OF CANYON COUNTY HIGHWAY DISTRICTS ("ACCHD") hereby petitions for reconsideration of Order No. 30853 in the above-captioned matter. This petition for reconsideration is brought pursuant to Idaho Code § 61-626 and IPUCRP 331.

Following is an identification and summary of the issues requested for reconsideration:

I. The Order is unlawful in that it exceeds the jurisdiction of the IPUC.

Under the Section 10 approach, as approved by the Order, the IPUC places itself in a position of overseeing and adjudicating disputes as to the validity of relocation requests made by a public agency with authority over highways. This will place the IPUC in the position of

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judging whether or not a request was made due to a concern about incommoding the public use or whether there is a third party that directly benefits from the relocation request. Such a role is not within the jurisdiction of the IPUC.

The Order also fails to address the constitutional concerns raised by commenters.

II. The Order fails to clarify and specify the definitions of third-party beneficiaries and local improvement districts.

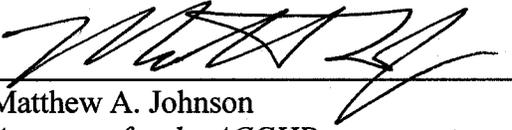
The Order provides no clarification on the definitions of third-party beneficiaries or local improvement districts as used in Section 10. Concern with these broad references was detailed in the City of Nampa Comments. Without further specification in the Order, the IPUC seems to be following the approach mentioned in Idaho Power Company's Reply Comments that these can be determined on a case-by-case basis by the Commission in a quasi-judicial role. (ID. Power Co. comments, p. 22). Again this places the Commission in a role outside its jurisdiction by leading it to re-examine and question relocation determinations by municipalities.

Additionally, the Order is unreasonably vague in its treatment of local improvement districts. The Order directs Idaho Power to "clarify its use of the phrase 'local improvement district' as it is used in Section 10," but then approves the application. So while both Idaho Power and the IPUC recognize a problem with vague language, the Order approves the application prior to any clarification or opportunity for further comment on Idaho Power's "to be delivered" definition of local improvement districts.

ACCHD will submit, within twenty-one (21) days, a written brief presenting further legal argument and evidence on the above issues. ACCHD also requests a hearing on reconsideration, as no hearing was held under the modified procedure in the initial deliberations on this matter.

DATED this 22nd day of July, 2009.

WHITE PETERSON

By: 
Matthew A. Johnson
Attorneys for the ACCHD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 22nd day of July, 2009, a true and correct copy of the above and foregoing PETITION FOR RECONSIDERATION instrument was served upon the following by the method indicated below:

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