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IDAHO PUBLIC UTILITIES COMMISSION

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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

ADA COUNTY HIGHWAY DISTRICT'S
PETITION FOR RECONSIDERATION

Pursuant to Idaho Code § 61-626, the Ada County Highway District ("ACHD") submits this Petition for Reconsideration of the Idaho Public Utilities Commission's (hereinafter "Commission" or "IPUC") Order No. 32476, dated March 7, 2012.

ADA COUNTY HIGHWAY DISTRICT'S PETITION FOR
RECONSIDERATION - 1

I. INTRODUCTION

In a May 25, 2011, Opinion, the Idaho Supreme Court set aside Section 10 and 11 of Idaho Power's Rule H Tariff, which attempted to authorize the Commission to allocate utility relocation costs between Idaho Power and Private Beneficiaries when Public Road Agencies demand that Idaho Power relocate its facilities on public rights-of-way. *See Ada County Highway Dist. v. Idaho Public Utilities Commission*, 253 P.3d 675 (Idaho 2011) ("*ACHD v. IPUC*"). Under Section 10, the Commission asserted the authority to determine whether the a Public Road Agencies' utility relocation demand is for the benefit of a third party, in whole or in part. Accordingly, the Commission would have authority to require a third party to reimburse Idaho Power for all or a portion of the utility relocation costs incurred as a result of the Public Road Agencies relocation demand -- even though the utility relocation was not requested by the third party. The Idaho Supreme Court set aside Section 10 after concluding that the Commission does not have authority to require a third party to pay for services that it did not request. *Id.* at 683 ("Thus, IPUC could require a third party to pay for services that the third party did not request from Company if IPUC determined that a relocation required by a Public Road Agency benefited the third party. IPUC has not pointed to any statute granting it that authority.").

Under Section 11 of Idaho Power's Rule H Tariff, the Commission also attempted to require that Idaho Power and "other parties," including Public Road Agencies, comply with certain provisions of Idaho Code § 40-210. For example, Section 11 mandated that "Idaho Power and other parties in the planning process will use their best efforts to find ways to eliminate the cost of relocating utility facilities . . ." The Idaho Supreme Court set aside Section

11 because the Commission does not have authority to compel Public Road Agencies' compliance with Idaho Code § 40-210. *Id.*

After the Idaho Supreme Court's Opinion, Idaho Power subsequently requested the Commission, pursuant to Idaho Code § 61-629, to approve a revised version of Section 10. Idaho Code § 61-629 requires the Commission to "alter or amend the order appealed from to meet the objections of the court."

Despite the objections of the Idaho Supreme Court and ACHD's objections, the Commission approved a revised version of Section 10 that suffers from the same flaws as the version set aside by the Idaho Supreme Court. *See* Order No. 32476. Just like the version set aside by the Idaho Supreme Court, the new version of Section 10 continues to authorize the Commission to require a third party to pay for a relocation that the third party did not request if the Commission determines that a relocation required by a Public Road Agency benefits the third party. The new version of Section 10 also contains language purporting to require Public Road Agencies to comply with Idaho Code § 40-210. Finally, the new version of Section 10 contains new language purporting to limit Public Road Agencies' right to require Idaho Power to relocate its facilities on public rights-of-way. As set forth in more detail below, the new version of Section 10 approved by the Commission does not meet the objections of the Court, as required by Idaho Code § 61-629.

ACHD respectfully requests the Commission to reconsider Order No. 32476. Pursuant to Idaho Code 61-629, the Commission is statutorily obligated to enter an amended order that is consistent with the Court's Opinion and incorporates the objections of the Court.

II. BACKGROUND

A. Idaho Power's October 30, 2008 Application to Modify its Rule H Tariff

On October 30, 2008, Idaho Power filed an Application with the Commission seeking authority to modify its line extension tariff commonly referred to as the "Rule H" Tariff, which generally sets forth Idaho Power's rates and charges for certain services and regulates new service attachment and distribution line installations or alterations. R., Vol. I, pp. 1-56. Prior to Idaho Power's Application, Rule H did not address utility relocations on public rights-of-way. In connection with the 2008 Application, however, Idaho Power sought to add a new section, "Section 10," allocating cost responsibility for utility relocations required by public road improvement projects on public rights-of-way. R., Vol. I, pp. 22-23.

Section 10, as proposed by Idaho Power, allocated utility relocation costs between Idaho Power and Private Beneficiaries when Public Road Agencies require Idaho Power to relocate its facilities on public rights-of-way. More specifically, as proposed by Idaho Power, Section 10 required Private Beneficiaries to pay Idaho Power for the percentage of relocation costs equal to the extent to which the public road improvement project is for the benefit of Private Beneficiaries.

On July 1, 2009, the Commission issued Order No. 30853, granting Idaho Power's Application to modify Rule H. R., Vol. II, pp. 313-326. ACHD filed a Petition for Reconsideration, requesting reconsideration and clarification of the Commission's approval of Section 10. R. Vol. II, pp. 341-357. ACHD objected on grounds that Section 10 exceeded the Commission's authority and encroached upon ACHD's Resolution 330, which regulates utility relocations on public rights of way within ACHD's jurisdiction.

After briefing and a hearing, the Commission issued Order No. 30955, which approved a modified version of Section 10 and added a new section – “Section 11” – to Rule H. R. Vol. IV, pp. 648-678. Section 11 purported to mandate that Idaho Power and “other parties” involved in public road projects “use their best efforts to find ways to eliminate the cost of relocating utility facilities, or if elimination is not feasible, to minimize the relocation costs to the maximum extent reasonably possible.” *Id.* at 659-660; 678.

B. The Idaho Supreme Court Appeal

ACHD filed an appeal to the Idaho Supreme Court from the Commission’s final order on grounds that Section 10 and Section 11 of Rule H exceeded the authority granted to the Commission by the Legislature. The scope of the Idaho Supreme Court’s review of an order from the Commission is governed by Idaho Code § 61-629, under which the Idaho Supreme Court determines “whether the commission has regularly pursued its authority.” Under this standard, an order of the Commission is set aside if the order is in excess of the Commission’s jurisdiction. *See Idaho Power Co. v. Idaho Public Utilities Comm’n*, 99 Idaho 374, 379, 582 P.2d 720, 725 (1978); *Washington Water Power Co. v. Kootenai Env’tl. Alliance*, 99 Idaho 875, 878, 591 P.2d 122, 125 (1979) (setting aside a Commission order where the Commission was “without jurisdiction to issue the orders which are the subject of this appeal”).

The primary issue addressed by the Idaho Supreme Court on appeal was whether Section 10 and Section 11 exceeded the Commission’s authority by providing that the Commission may determine whether a utility relocation, in whole or in part, is for the benefit of a third party. The Idaho Supreme Court noted that the Commission “has the authority to determine the costs that Company can charge a private person who requests services from Company.” *See ACHD v.*

IPUC, 253 P.3d at 682. However, the Court held that Section 10 exceeded the Commission's authority because it goes much further than that. Specifically, the Court explained:

Under Section 10, when a Public Road Agency requires that Idaho Power relocate its distribution facilities, IPUC has the authority to determine whether the relocation, in whole or in part, is for the benefit of a third party. If it determines that it is, then Section 10 would allocate all or a portion of the costs of relocation to that third party. Thus, IPUC could require a third party to pay for services that the third party did not request from Company if IPUC determined that a relocation required by a Public Road Agency benefited the third party. IPUC has not pointed to any statute granting it that authority.

Id. at 682-83. Accordingly, the Court set aside Section 10. *Id.*

A related issue presented to the Idaho Supreme Court was whether the Commission has authority to resolve disputes between Idaho Power and Private Beneficiaries related to relocation costs. As to this issue, there was significant disagreement between Idaho Power and the Commission. Idaho Power took the position throughout the Commission and Idaho Supreme Court proceedings that the Commission has the authority to resolve disputes between Private Beneficiaries and Idaho Power regarding what portion of utility relocation costs must be paid by Private Beneficiaries. *See* Respondent Idaho Power's Brief, pp. 30-31 ("If a dispute between Idaho Power and a private beneficiary should arise concerning cost recovery by Idaho Power, the Commission would have jurisdiction to resolve the reimbursement dispute."). The Commission disagreed with Idaho Power's position that the Commission should resolve disputes between Idaho Power and Private Beneficiaries with regard to reimbursement of utility relocation costs. *See* Respondent Brief of the Idaho Public Utilities Commission, p. 26.

The question of whether the Commission has authority to resolve disputes between Idaho Power and Private Beneficiaries was addressed during the Idaho Supreme Court oral argument.

Counsel for the Commission confirmed that the Commission does not have authority to adjudicate disputes between Idaho Power and Private Beneficiaries as to the portion of relocation costs that must be paid by Private Beneficiaries. The Idaho Supreme Court addressed that admission in its written opinion:

During oral argument, IPUC admitted that it could not adjudicate the dispute between the third party and Company. It also admitted that if Company wanted to recover relocation costs from a third party, it would have to sue in court and Section 10 would not apply.

ACHD v. IPUC, 253 P.3d at 683.

Finally, the Idaho Supreme Court set aside Section 11 because the Commission does not have authority to compel Public Road Agencies' compliance with Idaho Code § 40-210. *Id.* ("Although the legislature has the authority to order public highway agencies to use their best efforts to minimize the cost of relocating utility facilities, IPUC does not have that authority.").

C. Order No. 32476

Idaho Power subsequently requested the Commission, pursuant to Idaho Code § 61-629, to issue an order approving an amended version of Rule H Section 10 that purportedly conformed with the Idaho Supreme Court's Opinion. *See* Idaho Power Company's Amended Motion to Accept Conforming Rule H Section 10 Tariff. ACHD objected to the version of Section 10 proposed by Idaho Power on grounds that it contradicts the Idaho Supreme Court's Opinion and violates Idaho Code 61-629. On March 7, 2012, the Commission issued Order No. 32476, which approved Idaho Power's proposed amended Section 10 with minor changes.

III. ANALYSIS

A. **The Commission Can Approve An Amended Rule H Only If It Meets The Objections Of The Court**

Idaho Code § 61-629 authorizes the Commission only to “alter or amend the order appealed from to meet the objections of the court in the manner prescribed in section 61-624, Idaho Code.” *Id.* (emphasis added). The statute does not allow Rule H to be amended in a way that deviates from, or is inconsistent with, the Idaho Supreme Court’s opinion in *ACHD v. IPUC*. Affected parties cannot negotiate an amended order that does not comply with Idaho Code § 61-629. After a Idaho Supreme Court’s decision, the Commission is only authorized to alter or amend the order to meet the objections of the Court.

B. **The First Paragraph Of The Amended Rule H Improperly Grants The Commission Authority To Compel ACHD’s Compliance With Idaho Code § 40-210**

The first paragraph of Idaho Power’s Proposed Amended Rule H provides as follows:

The Company often locates its distribution facilities within state and local public road rights-of-way under authority of Idaho Code § 67-705 (for locations outside Idaho city limits) and the Company’s city franchise agreements (for locations within Idaho City limits). When the Company is notified of a road improvement project pursuant to Idaho Code § 40-210, **the Company will meet with the Public Road Agency** as provided in Idaho Code § 40-210.

(Emphasis Added).

The first sentence of this first paragraph is consistent with the Idaho Supreme Court’s recent Opinion, but the second sentence is not. The Idaho Supreme Court clearly set aside Section 11 of the previously proposed Rule H because it purported to require “other parties,” including ACHD to comply with Idaho Code § 40-210. Specifically, the Court explained:

The second sentence in Section 11 states, "The Company and *other parties* in the planning process will use their best efforts to find ways to eliminate the cost of relocating utility facilities, or if elimination is not feasible, to minimize the relocation costs to the maximum extent reasonably possible." . . . Those other parties would include ACHD and entities which are not utilities regulated by IPUC. . . . Although the legislature has the authority to order public highway agencies to use their best efforts to minimize the cost of relocating utility facilities, IPUC does not have that authority.

ACHD v. IPUC, 253 P.3d at 683 (italics in original, underlining added).

The newly proposed language mandates that Public Road Agencies notify Idaho Power of road improvement projects pursuant to Idaho Code § 40-210. It further mandates that "the Company will meet with the Public Road Agency as provided in Idaho Code § 40-210." Not only is that language unnecessary and duplicative of the statute, but it purports to place obligations on Public Road Agencies to notify and meet with Idaho Power.

Idaho Power erroneously contends that this language "does not affect ACHD." See Idaho Power Company's Answer to the Ada County Highway District's Memorandum in Opposition to Idaho Power Company's Amended Motion to Accept Conforming Rule H Section 10 Tariff ("Idaho Power's Answer"), p. 5. The Commission agreed, stating that the first paragraph "now confirms only Idaho Power's legal obligation to meet with road agencies when notified of a project by the agency." The Commission further characterized ACHD's objection as "apparently based merely on the reference to Section 40-210 in the sentence." These statements are incorrect.

ACHD's objection is not based on the mere reference to Idaho Code § 40-210, and the first paragraph does more than merely compel Idaho Power's compliance with that statute. The provision that, "When the Company is notified of a road improvement project pursuant to Idaho

Code § 40-210, the Company will meet with the Public Road Agency as provided in Idaho Code § 40-210,” mandates at least three things: (1) that ACHD provide notice to Idaho Power of road improvement projects; (2) that Idaho Power meet with ACHD; and (3) that ACHD meet with Idaho Power. Just like the Commission does not have authority to compel “other parties,” including public road agencies, to “use their best efforts to find ways to eliminate the cost of relocating utility facilities,” the Commission does not have authority to compel public road agencies to notify and meet with Idaho Power.

Indeed, Section 10 purports to go even further than Idaho Code § 40-210, which sets forth only the “intent of the legislature” that Public Road Agencies and utilities work to reduce relocation costs. Section 10, as now written, would apparently give the Commission to compel Public Road Agencies’ compliance with the statute. This begs the question of what the Commission will do if a Public Road Agency does not give notice to Idaho Power of road improvement projects, does not meet with Idaho Power, or otherwise does not comply with Idaho Code § 40-210 or if Idaho Power does not comply with the Order. ACHD has and will continue to comply with Idaho Code § 40-210, but it objects to any provision implying that the Commission has authority to compel ACHD’s or Idaho Power’s compliance. Any failure to comply with Idaho Code § 40-210 must be addressed by a court, not by the Commission. The Idaho Supreme Court expressly held that the Commission does not have the authority to order Public Road Agencies to use their best efforts to minimize the cost of relocating utility facilities.

Id.

In summary, the first paragraph of Section 10 does not meet the objections of the Court because it still purports to assert authority over Public Road Agencies' compliance with Idaho Code § 40-210.

C. The Second Paragraph Of The Proposed Amended Rule H Is Inconsistent With The Idaho Supreme Court's Opinion In That It Purports To Limit ACHD's Authority To Require Utility Relocations

The common law rule in Idaho is that, upon demand from a Public Road Agency, a utility must relocate its facilities located on a public right-of-way. *See State ex rel. Rich v. Idaho Power Co.*, 81 Idaho 487, 501 (Idaho 1959) ("Under the common law a utility, placing its facilities along streets and highways, gains no property right and upon demand must move its facilities at its expense."). In *ACHD v. IPUC*, the Idaho Supreme Court interpreted Idaho Code § 62-705 and affirmed the common law rule, without limitation, as follows:

When ACHD determines that a utility must remove or locate its facilities that are within the public right-of-way, the Public Road Agency is not required to bear any of the utilities cost of doing so. [cite omitted] The utility must proceed with the relocation. . . . The utility is required to complete the relocation regardless of whether it is reimbursed by a third party.

ACHD v. IPUC, 253 P.3d at 680-81.

The second paragraph of the proposed amended Rule H contradicts the Idaho Supreme Court's recent opinion by purporting to limit the circumstances under which ACHD can require Idaho Power to relocate its facility:

If a Public Road Agency determines that the Company's facilities incommode the public use of any road, highway, or street, the Public Road Agency can require the company to relocate or remove the facilities. If a Public Road Agency determines that the Company's facilities must be relocated or removed because they incommode the public use of the road, highway, or street, the Company will relocate its distribution facilities from or within the

public road rights-of-way and the Company will bear the costs of such relocation.

(Emphasis added).

Idaho Power asserts that its proposed language “has no application whatsoever to Public Road Agencies” and “does not in any way restrict the rights of Public Road Agencies to require utilities to relocate or remove their facilities from public road rights-of-way under Idaho law.” Instead, Idaho Power explains that the purpose of its proposed language is merely to describe the “most common reasons” for a utility relocation. Regardless of Idaho Power’s intent, the language in the Proposed Amended Rule H indicates that the only circumstance under which a Public Road Agency “can require” utility relocation is “[i]f a Public Road Agency determines that the Company’s facilities must be relocated or removed because they incommode the public use [of the right-of-way].”

In approving the second paragraph, the Commission incorrectly asserts that “the [second] paragraph is virtually identical to language in the appealed tariff, and the Court did not set aside the provision.” The version of Section 10 previously approved by the Commission did not contain any language limiting the reasons for which a Public Road Agency could require utility relocation. Consistent with the Idaho Supreme Court’s interpretation of Public Road Agencies’ rights, it simply provided: “At the request of a Public Road Agency, the Company will relocate its distribution facilities from or within the public road rights-of-way.” *See R.*, Vol. IV, p. 677.

In summary, the second paragraph of Section 10 does not meet the objections of the Court because it purports to limit Public Road Agencies’ authority in a way to contradicts the Idaho Supreme Court’s decision. As previously suggested by ACHD, the limiting language should be deleted from the second paragraph. The second paragraph should mirror the

previously approved Section 10 as follows: “At the request of a Public Road Agency, the Company will relocate its distribution facilities from or within the public rights-of-way and the Company will bear the costs of such relocation.”

D. The Third Paragraph Of The Amended Rule H Is Inconsistent With The Idaho Supreme Court’s Opinion

The third paragraph of the amended Rule H, as approved by the Commission, is as follows:

If one or more Private Beneficiaries has, directly or indirectly through a Public Road Agency, requested that the Company’s facilities be relocated or removed, the Company will use reasonable efforts to recover that portion of the total Relocation or removal costs attributable to the request from the Private Beneficiaries. If the Private Beneficiaries dispute the Company’s calculation of the Private Beneficiaries’ cost responsibility, either the Company or the affected Private Beneficiaries may initiate a proceeding to have the Commission establish the reasonableness of the Company’s calculation of the Relocation or removal cost responsibility as between the Company and the Private Beneficiaries.

Under this paragraph, Commission would have authority to determine whether a Public Road Agencies’ request for utility relocation is for the benefit of one or more Private Beneficiaries, and thus construe it as a request from the Private Beneficiaries. The Idaho Supreme Court has already held, however, that the Commission does not have such authority.

Idaho Power and the Commission focus on a sentence in the opinion stating that the “IPUC certainly has the authority to determine the costs that Company can charge a private person who requests services from Company.” *Id.* Idaho Power and the Commission apparently interpret this sentence as allowing Idaho Power to determine that a Public Road Agency’s demand for utility relocation is really an “indirect” request for service from a private party.

Notably, Idaho Power has taken inconsistent positions in this regard. In its Amended Motion to Accept Conforming Rule H Section 10 Tariff, Idaho Power stated that the Idaho Supreme Court's decision "does not address" the "respective rights and responsibilities of the Commission, the private party, and the Company when the private party requests a relocation of utility facilities located in a public road right-of-way." *See* Amended Motion to Accept Conforming Rule H Section 10 Tariff, p. 3. Then, in its most recent briefing, Idaho Power takes the position that "[t]he Supreme Court stated unequivocally that when a private party (Private Beneficiary) *requests* utility services such as relocation of utility facilities, the Commission's primary jurisdiction is invoked." *See* Idaho Power's Answer, p. 7 (emphasis in original).

Not only are Idaho Power's two positions inconsistent, but they are both wrong. The Idaho Supreme Court expressly held that a Public Road Agency's relocation demand is not a request for service from a private party and that the Commission has no authority to treat it as such. In setting aside the prior version of Section 10, the Idaho Supreme Court described the authority purportedly granted to the Commission by Section 10 and then held that the commission does not have that authority:

IPUC certainly has the authority to determine the costs that Company can charge a private person who requests services from Company. However, Section 10 goes further than that. Under Section 10, when a Public Road Agency requires that Idaho Power relocate its distribution facilities, IPUC has the authority to determine whether the relocation, in whole or in part, is for the benefit of a third party. If it determines that it is, then Section 10 would allocate all or a portion of the costs of relocation to that third party. Thus, IPUC could require a third party to pay for services that the third party did not request from Company if IPUC determined that a relocation required by a Public Road Agency benefited the third party. IPUC has not pointed to any statute granting it that authority.

Id. (emphasis added).

The above-quoted paragraph is the crux of the Idaho Supreme Court's decision to set aside Section 10, and it sets forth several key conclusions. First, the Court set aside Section 10 because it purported to grant the Commission "authority to determine whether the relocation [required by a Public Road Agency], in whole or in part, is for the benefit of a third party." Second, the Court recognized that, while utility relocation may be a "service," a demand from a Public Road Agency to relocate utility facilities is not a request for services from a third party. Third, the Court expressly held that the Commission does not have authority to "require a third party to pay for services that the third party did not request from Company if IPUC determined that a relocation required by a Public Road Agency benefited the third party." *Id.* (emphasis added).

A Public Road Agency's demand that Idaho Power relocate utility facilities on public rights-of-way is not a request from a third party. The Commission recognized as much in Order No. 32476:

It is clear in this context that the Court's objection was to the possibility the Commission "could require a third party to pay for services that the third party did not request."

Section 10 would have authorized the Commission in some circumstances to require a third party to pay for services that the third party did not request from Idaho Power.

See Order No. 32476, p. 9.

As the Commission has acknowledged, the reason the Idaho Supreme Court set aside Section 10 was because it would allow the Commission to treat a utility relocation demand from a Public Road Agency -- a demand described by the Court as a service "that the third party did

not request from Company” -- as if it were a request for service from a third party. Yet the new version of Section 10 approved by the Commission does just that. It allows the Commission to determine whether a utility relocation demand from a Public Road Agency is really a request for service from the third party. The Idaho Supreme Court has already held that that Commission has no such authority. *See ACHD v. IPUC*, 253 P.3d at 683 (“Thus, IPUC could require a third party to pay for services that the third party did not request from Company if IPUC determined that a relocation required by a Public Road Agency benefited the third party. IPUC has not pointed to any statute granting it that authority.”).

Notably, Section 6 of Rule H separately addresses requests for relocation from third parties. *See R.*, Vol. I, p 17 (“If an Applicant or Additional Applicant requests a Relocation . . . of Company facilities, the Applicant or Additional Applicant will pay a non-refundable charge equal to the Cost Quote.”). That provision is not at issue here. The only question at issue here is whether the Commission has authority treat a demand for utility relocation from a Public Road Agency as a request from a third party, and the Idaho Supreme Court has already held that it does not.

The second sentence of the third paragraph of Section 10 should similarly be removed because it purports to grant the Commission authority to resolve disputes between Idaho Power and Private Beneficiaries as to the allocation of utility relocation costs demanded by Public Road Agencies. The second sentence contradicts the Idaho Supreme Court’s conclusion, and the Commission’s admission, that the Commission does not have authority to adjudicate disputes between Idaho Power and Private Beneficiaries. *See ACHD v. IPUC*, 253 P.3d at 83 (“During oral argument, IPUC admitted that it could not adjudicate the dispute between the third party and

Company. It also admitted that if Company wanted to recover relocation costs from a third party, it would have to sue in court and Section 10 would not apply.”).

The Commission approved this dispute resolution provision on grounds that “[n]owhere does the Court’s decision say the Commission cannot adjudicate a dispute between Idaho Power and a third party involving services requested by the party under a proper Idaho Power tariff.” See Order No. 32476, p. 10 (emphasis added). Again, however, the Idaho Supreme Court has already held that a utility relocation demand from a Public Road Agency is not a request for services from a third party.

In summary the third paragraph of Section 10 does not meet the objections of the Court because it allows the Commission to determine whether a utility relocation demand from a Public Road Agency is really a request for service from the third party -- the very reason the Court set aside the prior version of Section 10.

IV. CONCLUSION

For the foregoing reasons, ACHD respectfully asks that the Commission reconsider Order No. Order No. 32476. The Idaho Supreme Court set aside Section 10. If the Commission finds it necessary to adopt an amended Rule 10, it must approve a version of Section 10 that meets the objections of the Court.

DATED THIS 28th day of March, 2012.

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By 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28 day of March, 2012, I caused to be served a true copy of the foregoing ADA COUNTY HIGHWAY DISTRICT'S ADA COUNTY HIGHWAY DISTRICT'S PETITION FOR RECONSIDERATION by the method indicated below, and addressed to each of the following:

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