

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)
 NEW SERVICE ATTACHMENTS AND) ORDER NO. 32532
DISTRIBUTION LINE INSTALLATIONS.)

On March 7, 2012, the Commission issued Order No. 32476 approving Idaho Power's revisions to Sections 10 and 11 of its Rule H tariff. The case was returned to the Commission after an appeal to the Idaho Supreme Court filed by the Ada County Highway District (ACHD). Idaho Power proposed amendments in response to the Court's objections to the tariff, identified by the Commission in Order No. 32476 as follows: "Section 10 impermissibly authorized the Commission to require a third party to pay for relocation services *not requested* by the party, and Section 11 too broadly directed parties not regulated by the Commission to comply with the statutory obligation to plan road projects so as to minimize the relocation of utility facilities." Order No. 32476, p. 6.

Petitions for Reconsideration to Order No. 32476 were filed March 28, 2012, by ACHD and Build Idaho, Inc., expressing objections to all three paragraphs of Section 10. The Commission is satisfied that the pleadings of the parties adequately clarify the issues relating to the first two paragraphs of Section 10. Regarding paragraph 3, Build Idaho argues in its Petition that the paragraph does not meet the objections of the Court "because it authorizes the Commission to treat public agencies relocation request as if it is a request for service from a third party." Build Idaho Petition, p. 5. ACHD also asserts "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." ACHD Petition, p. 17.

To assist the Commission's consideration of the Petitions for Reconsideration, the Commission convened a hearing for oral argument on April 19, 2012. During the hearing, it became apparent that a factual issue regarding application of paragraph 3 of Section 10 is disputed. In response to questions from the Commission, the parties provided different responses regarding the ability of a third party to request relocation of electric facilities located

in a public right-of-way. It is unclear in the record whether a third party can request relocation of those facilities from Idaho Power or must deal solely with a public road agency.

The Commission has determined to grant reconsideration solely to provide the parties an opportunity to develop the record regarding paragraph 3 of Section 10, more specifically, 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. The parties may present their evidence in the form of affidavits, accompanied by written briefs. The Commission does not anticipate convening a hearing to develop the record, unless requested by a party. The parties are directed to file written briefs and accompanying affidavits and other evidence no later than May 18, 2012. Responsive briefs and evidence may be filed on or before June 15, 2012.

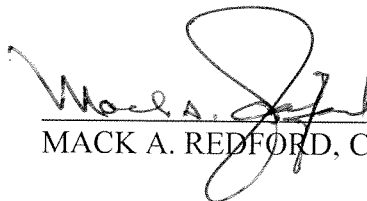
ORDER

IT IS HEREBY ORDERED that the Commission grants reconsideration of its final Order No. 32476. The parties are directed to file written briefs, affidavits and other pertinent evidence on or before May 18, 2012, and to file responsive briefs and evidence by June 15, 2012.

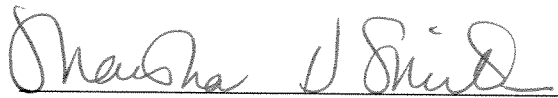
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th day of April 2012.



PAUL KJELLANDER, PRESIDENT

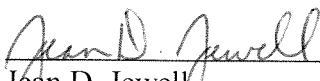


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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