

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b> <b>OF IDAHO POWER COMPANY FOR A</b> <b>CERTIFICATE OF PUBLIC CONVENIENCE</b> <b>AND NECESSITY FOR THE WOOD RIVER</b> <b>VALLEY</b>	) ) ) ) ) )	<b>CASE NO. IPC-E-16-28</b>  <b>ORDER NO. 33711</b>
--	----------------------------	---

---

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements in the Wood River Valley. The Commission issued a Notice of Application and Order setting a deadline of December 20, 2016, for petitions to intervene. The Commission received and granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. The Commission issued a Notice of Schedule and Notice of Technical Hearing on January 26, 2017, adopting the schedule proposed by the parties in an informal scheduling conference. Order No. 33705.

CoxCom, LLC petitioned to intervene in this case on January 13, 2017, after the December 20, 2017, deadline for intervention had passed. *See* Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075. No objections were filed to the late petition by the deadline per Rule 75, IDAPA 31.01.01.075.

**LATE PETITIONS TO INTERVENE**

Commission Rules provide that a petitioner seeking intervention must state its “direct and substantial interest . . . in the proceeding.” IDAPA 31.01.01.072. Petitions to intervene that are not timely filed “must state a substantial reason for delay.” IDAPA 31.01.01.073. “The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons.” *Id.* Also, “[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.*

**COXCOM’S PETITION TO INTERVENE**

CoxCom states it has “a direct and substantial interest” in this matter because it has transmission equipment between the cities of Hailey and Ketchum that is attached to Idaho Power’s poles for which Idaho Power proposes replacement in its pending Application. *Id.* at 2.

CoxCom wants to ensure that any new construction resulting from Idaho Power's requested CPCN will still allow room for its equipment. *Id.*

CoxCom asserts that its exclusion from these proceedings could "result in extreme and substantial hardship, needless expense, and redundant proceedings." *Id.* Also, CoxCom states its intervention would "not unduly broaden [the] issues in this matter because manner of construction, equipment used therefor, . . . placement of equipment" and the new facilities' cost are already directly at issue in the case. *Id.* Because its issues of interest are "currently squarely before the Commission," CoxCom states that granting intervention would not cause delay or prejudice to the parties. *Id.*

According to CoxCom, it participated in the Blaine County Planning and Zoning proceedings and "reasonably contemplated that [that] was the primary jurisdiction" for determining whether Idaho Power's new distribution facilities would have capacity to carry CoxCom's equipment. *Id.* at 3. The Blaine County Planning and Zoning Commission denied Idaho Power's application on January 5, 2017 – 37 days after the Idaho Public Utilities Commission's deadline to intervene in this matter. *Id.* CoxCom states that obtaining status as an intervenor would "allow for clearer communication about and resolution of" its concerns in a single forum. *Id.*

### **COMMISSION FINDINGS**

We find that no party opposed this late Petition to Intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure, IDAPA 31.01.01.074. We also find that granting this late intervention will not prejudice any party and that late intervention should be granted. As set forth in Rule 73, IDAPA 31.01.01.073, CoxCom is "bound by orders and notices earlier entered as a condition of granting the untimely petition" including, but not limited to, the scheduling Order issued on January 26, 2017. Order No. 33705.

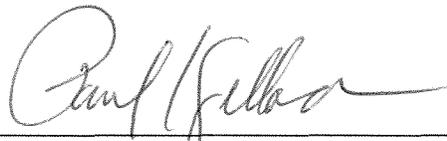
### **ORDER**

IT IS THEREFORE ORDERED that the Petition to Intervene filed by CoxCom, LLC is hereby granted.

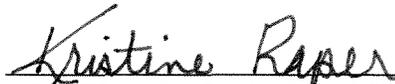
IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

CoxCom, LLC  
c/o C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock Street, Suite 900  
P.O. Box 2900  
Boise, ID 83701  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

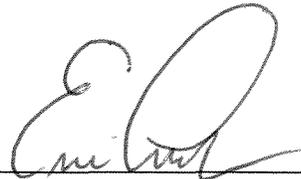
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *2nd* day of February 2017.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

O:IPC-E-16-28\_cc\_late intervention