

JUL 18 1990

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
IDAHO POWER COMPANY FOR A CERTIF-)
ICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR THE RATE-BASING OF)
THE MILNER HYDROELECTRIC PROJECT,)
OR IN THE ALTERNATIVE, A DETER-)
MINATION OF EXEMPT STATUS FOR)
THE MILNER HYDROELECTRIC PROJECT.)**

CASE NO. IPC-E-90-8

ORDER NO. 23231

On June 6, 1990, Afton Energy, Inc., timely petitioned to intervene in this proceeding. On June 13, Idaho Power Company timely moved to deny the Petition to Intervene. Afton's Petition and Idaho Power's opposition present issues similar to those we have recently considered in Order No. 23000 in Case No. IPC-E-90-2, Idaho Power's application in connection with its rebuild of the Swan Falls project.

By reference to the analysis contained that Order, we allow Afton to intervene in this proceeding. However, we qualify Afton's rights in intervention as we did in Order No. 23000:

Accordingly, we will not permit the interpretation of the rights and obligations of the parties under the Afton contract to become an issue in this case. This is not the appropriate forum or proceeding for relitigating the disagreements associated with that agreement. The intervention of Afton is strictly limited to the question of whether and to what extent investment [in new hydroelectric facilities] should be included in the rate base of the Company.

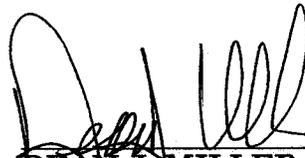
ORDER

IT IS THEREFORE ORDERED that the Petition to Intervene filed by Afton Energy, Inc., is hereby granted, limited in scope as set forth in the text of this Order as further explained by Order No. 23000 in Case No. IPC-E-90-2.

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

Owen H. Orndorff
Orndorff & Peterson
Suite 230, 1087 West River Street
Boise, ID 83702

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 17th day of July 1990.



DEAN J. MILLER, PRESIDENT



PERRY SWISHER, COMMISSIONER



RALPH NELSON, COMMISSIONER

ATTEST:



MYRNA J. WALTERS, SECRETARY

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