

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO POWER COMPANY

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Petitioner,

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CASE NO. IPC-E-93-10

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vs.

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**THE NEW VILLAGER CONDOMINIUM
ASSOCIATION, INC., A NON PROFIT IDAHO
CORPORATION AND ITS MEMBERS,
INDIVIDUALLY,**

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Respondents.

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ORDER NO. 29405

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This case was initiated in May 1993 by Idaho Power Company when it filed a request for a declaratory ruling regarding its obligation to provide electrical service to two condominium subdivisions located in Sun Valley, Idaho. Idaho Power initially installed underground distribution lines and transformers to serve the Association starting in 1969, but in 1985 the Company removed the underground transformers and installed above ground, pad mounted transformers. The Company claimed the relocations were necessary for safety concerns and that its easements allowed for relocation of the transformers above ground. The case languished at the Commission while the parties appealed state District Court decisions to the Idaho Supreme Court, and also pursued settlement discussions to resolve the dispute.

On September 25, 2003, the Commission convened a pre-hearing conference during which the parties informed the Commission of the status of settlement discussions, and also determined a procedural schedule to complete the case to a hearing if necessary. The Commission on October 23, 2003, issued a Procedural Order approving the schedule recommended by the parties.

On December 19, 2003, Idaho Power and New Villager Condominium Association filed a Settlement Stipulation and a Petition for Approval of Settlement and Stay of Procedural Schedule. In their Joint Petition, the parties indicate that the Settlement Agreement resolves their dispute, pending completion of construction work in the spring or fall of 2004. The parties asked


the Commission to approve their Settlement Agreement and also issue an order vacating the procedural schedule.

Pursuant to Commission Rule of Procedure 274, the Commission “may summarily accept settlement of an essentially private dispute that has no significant implications for regulatory law or policy or for other utilities or customers upon the written request of the affected parties.” IDAPA 31.01.01.274. Pursuant to this rule, the Settlement Stipulation between Idaho Power and New Villager Condominium Association may be summarily accepted by the Commission, as the parties’ dispute is essentially a private one that has no significant implications for regulatory law or policy or for other utilities or customers. The Commission accordingly issues this Order accepting the Settlement Stipulation of the parties and vacating the procedural schedule previously established for this case.

ORDER

IT IS HEREBY ORDERED that the Settlement Stipulation filed by Idaho Power Company and the New Villager Condominium Association, Inc., is accepted pursuant to Commission Rules of Procedure 274. The procedural schedule adopted by the Commission in Procedural Order No. 29366 is vacated. When the construction work contemplated by the Settlement Stipulation is completed, the parties can notify the Commission, and this case will be dismissed.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 30th
day of December 2003.



PAUL KJELLANDER, PRESIDENT

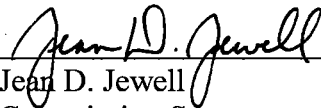


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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