BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR ELECTRIC SERVICE TO CUSTOMERS IN THE STATE OF IDAHO BY INCLUSION OF THE TWIN FALLS PROJECT INVESTMENT AND THE ADDITIONAL SWAN FALLS PROJECT INVESTMENT IN REVENUE REQUIREMENT                                                                 | )))))))))) | CASE NO. IPC-E-95-5AMENDED NOTICE OF SCHEDULINGORDER NO.  26093 |

On July 17, 1995, Rosebud Enterprises, Incorporated (Rosebud) filed a Motion to Compel Discovery and Motion to Vacate and Reschedule Hearing.  Rosebud contended that Idaho Power Company (Idaho Power or Company) had failed to respond adequately to some discovery requests (Request Nos. 9-11 and 14-18), and in the case of two requests did not respond at all (Request Nos. 5 and 13).  Because Idaho Power had not answered Request Nos. 5 and 13, Rosebud contended it would need additional time to prepare once the responses were provided, and thus asked that the August 14-15, 1995 hearing date be vacated.  Subsequent to the filing of Rosebud’s Motion, Idaho Power provided Responses to Request Nos. 5 and 13 on July 18, 1995.

On July 19, 1995, the Commission convened a hearing to receive oral argument and consider Rosebud’s Motion to Compel.  During the hearing, Rosebud stated it was withdrawing its Motion in regard to Request Nos. 5 and 13 because Idaho Power had responded.  Rosebud also agreed that Request No. 11 did not fall within the issues designated for this case.  Thus, Rosebud’s Motion remains only in regard to Request Nos. 9, 10 and 14-18.  By this Order we deny Rosebud’s Motion in all respects, and establish new deadlines for the filing of testimony by the parties.

In its responses to the Requests at issue, Idaho Power provided some answers, but also objected on the grounds that the Requests sought “information beyond the scope of the Company’s Application and the scope of the issues identified by the Commission in Order No. 26056” and “information not relevant to the Company’s Application or to the issues identified by the Commission in Order No. 26056.”  Order No. 26056 granted Rosebud’s Petition to Intervene in this case, subject to certain conditions.  The Commission in Order No. 26056 stated Rosebud may not seek “to relitigate issues it raised in Case No. IPC-E-91-4 which is pending on appeal before the Idaho Supreme Court, including matters related to contract negotiation between Rosebud’s Mountain Home QF project and Idaho Power.”  Additionally, the Commission issued Order No. 25021 in Case No. IPC-E-91-4, which identified relevant issues in a rate case that follows the Commission’s general acceptance of a capital investment for ratemaking treatment.  These issues include whether the Company has continued to invest in plants no longer necessary or prudent because demand has fallen, project costs have escalated beyond reasonable expectations, the percentage of capital tied up in the project is unreasonable, or technology has changed to the extent that construction is imprudent.

Having reviewed each of the requests at issue, the answers and objections by Idaho Power, and the arguments of the parties, we find Idaho Power’s objections to be well founded.  The information sought by Rosebud in Request Nos. 9 and 10 was reviewed in Case No. IPC-E-91-4 and is addressed in Order Nos. 25021 and 25160.  The information sought in Request Nos. 14-17 is beyond the scope of this proceeding, is too speculative to be relevant, or has been provided to the extent possible by Idaho Power.  The information sought in Request No. 18 has already been provided to the extent possible given Rosebud’s request and the information provided in response to Request No. 1.

Currently the Staff and intervenor testimony is to be filed on July 24, 1995.  Idaho Power’s rebuttal testimony is due August 7, 1995.  The parties agreed, and the Commission concurs, that new filing dates are appropriate to allow additional preparation time.  Accordingly, the new deadline for Staff and Intervenors to file testimony and exhibits is July 28, 1995 by 3:00 p.m.  Idaho Power’s rebuttal testimony must be filed by August 9, 1995.  These are “in hand” deadlines, which means that actual delivery and receipt of the documents must occur on or before those dates.

NOTICE OF AMENDED SCHEDULE

YOU ARE HEREBY NOTIFIED that the Commission has amended the schedule in this matter as follows:

|  |  |
| --- | --- |
| Prefile of Staff and Intervenor testimony and exhibitsPrefile of rebuttal testimony  | July 28, 1995, 3:00 p.m.August 9, 1995 |

These are “in hand” deadlines.

O R D E R

IT IS HEREBY ORDERED that Rosebud’s Motion to Compel Discovery and Motion to Vacate and Reschedule Hearing is denied.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of  July 1995.

                                                             RALPH NELSON, PRESIDENT

                  MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O-IPC-E-95-5.ws