(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| WILLIAM ARKOOSH AND FAULKNER BROTHERS HYDRO,  Complainants,  vs.   IDAHO POWER COMPANY,  Respondent. | )  )  )  )  )  )  )  )  )  )  ) | CASE NO. IPC-E-95-17  NOTICE OF SCHEDULING  ORDER NO.  26620 |

On November 17, 1995, a Complaint in Case No. IPC-E-95-17 was filed at the Idaho Public Utilities Commission (Commission) by William Arkoosh (Arkoosh) and Faulkner Brothers Hydro (Faulkner) against Idaho Power Company (Idaho Power; Company).

Arkoosh and Faulkner are qualifying small power producers (QFs) as defined under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) and related rules and regulations of the Federal Energy Regulatory Commission (FERC).  Reference 18 CFR Part 292.  Arkoosh and Faulkner sell electric power to Idaho Power Company pursuant to separate firm energy sales agreements executed in 1985 and 1986.  The nature of the controversy is the methodology for calculating the adjustable portion of the avoided cost rate paid to Complainants.

A prehearing conference in Case No. IPC-E-95-17 was held on February 20, 1996.  The purpose of the prehearing conference was to review the status of the case, identify issues and to establish appropriate further procedure including scheduling.  At the prehearing conference, Complainants’ counsel requested an additional 60 days to do some independent research.  On September 10, 1996, Idaho Power filed a Motion for entry of an Order denying relief for failure to prosecute.  Counsel for Complainants, by letter dated September 10, expresses his desire to prosecute this matter further and requests an additional prehearing conference.

Commission Findings

The Commission has reviewed the filings of record in Case No. IPC-E-95-17, including the correspondence of the parties and Idaho Power’s Motion.  The Commission finds that the Complainants have evidenced a willingness to proceed with the prosecution of this case.  The Commission is uncertain, however, as to what could be gained at this juncture from a further prehearing conference.  Instead, the Commission requests that the Complainants prepare and file a memorandum outlining the results of their analysis and research, outlining their arguments, and proposing a resolution or recommendation as to prospective variable rate methodology and requested change in the variable rate, if any. Upon receipt of same, the Commission would expect the Company to make a responsive filing.  The Commission finds this procedure to be reasonable in the further processing of this case and accordingly finds it reasonable to deny Idaho Power’s Motion for entry of an Order denying relief for failure to prosecute.

YOU ARE HEREBY NOTIFIED that pursuant to agreement of the parties and the Commission the following scheduling has been adopted in Case No. IPC-E-95-17:

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| --- | --- |
| Tuesday, October 15, 1996 | Deadline for filing Complainants’ memorandum |

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that the Motion of Idaho Power Company for denial of relief to Arkoosh and Faulkner for failure to prosecute is denied.

IT IS FURTHER ORDERED that the foregoing scheduling in Case No. IPC-E-95-17 is adopted.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of September 1996.

RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 24, 1996