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

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| IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY FOR APPROVAL OF NEW TARIFF PROVISIONS RELATING TO NEW SERVICE ATTACHMENTS AND DISTRIBUTION LINE INSTALLMENTS OR ALTERATIONS. | )  )  )  )  )  )  ) | CASE NO. IPC-E-95-18  NOTICE OF POST-HEARING BRIEFINGS  ORDER NO.  26522 |

On December 8, 1995, Idaho Power Company filed an Application for approval of modifications to its Tariff No. 101, Rule H, providing for charges for the construction of distribution line installations or alterations.  Idaho Power proposes to shift the cost for new service attachments and distribution line installations or alterations from its revenue requirement to the new customer requesting the construction.  On April 4, 1996, the Commission issued a Notice of Scheduling and Notice of Hearings in this case.  The Commission conducted one technical hearing on June 25, 1996, and a public hearing  in Pocatello on July 11, 1996, and will convene a second technical hearing, as well as a public hearing, on August 6, 1996.

On March 5, 1996, the Idaho Supreme Court issued its opinion in Building Contractors Association v.  IPUC and Boise Water Corp., \_\_\_ Idaho \_\_\_, 916 P.2d 1259 (1996), which discusses the Commission’s authority to approve hook-up fees.  The Court invalidated fees that placed an unfair portion of new plant costs on new customers stating that “[t]o the extent the fee increase disproportionately allocates new plant facility costs solely to Boise Water customers connecting new service from July 25, 1994, forward, the increase unlawfully discriminates against the new customers.”  Boise Water, 916 P.2d at 1260.

Since the issuance of  the Supreme Court opinion, some parties have suggested the Boise Water decision may affect this case.  During oral argument before the Commission on March 6, 1996, a day after the Supreme Court decision was issued, counsel for Idaho Building Contractors Association suggested the Boise Water decision had an impact on the Application filed in this case.  However, no motion has been filed by any party, and currently there is no filing raising this issue.  Nonethe­less, we believe fair questions are raised by Idaho Power’s proposed tariff filings and the decision of the Supreme Court in Boise Water.  Accordingly, it is appropriate for the Commission to consider whether and to what extent the filing of this Application is affected by the opinion in Boise Water.  By this Order, we are designating this as an issue to be considered and briefed after the August 6 hearing.

N O T I C E

YOU ARE HEREBY NOTIFIED that all parties of record are invited to file post-hearing briefs addressing the issues raised by the Supreme Court decision in  Boise Water. The Commission is considering whether and to what extent the filing of the Application in this case, Case No. IPC-E-95-18, is affected by the opinion in Boise Water.  Post-hearing briefs are due within twenty-one (21) days after the close of the technical hearing scheduled for August 6, 1996.  Each party may file a responsive brief within seven (7) days after the deadline for the initial briefs.

O R D E R

IT IS HEREBY ORDERED that all parties to the case are invited to file post-hearing written briefs within twenty-one (21) days of the close of the technical hearing discussing the appli­cability of the Boise Water decision to this case.  Each party may file a responsive brief within seven (7) days after the deadline for the initial briefs.

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

July 19, 1996