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

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| IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY FOR AUTHORITY TO INCREASE ITS RATES AND CHARGES TO RECOVER DEMAND SIDE MANAGEMENT/ CONSERVATION EXPENDITURES. | ))))))) | CASE NO. IPC-E-97-12ORDER NO. 27493 |

This case involves Idaho Power’s Application to shorten the amortization of its deferred demand side management balances and to increase its rates accordingly.  There are currently five motions pending before this Commission related to Idaho Power’s Application.  Oral argument was conducted April 7, 1998 on all five of the motions which are detailed below.

MOTIONS TO DISMISS

On February 27, 1998, the Industrial Customers of Idaho Power (ICIP) and Micron Technology, Inc. (Micron) each filed a Motion to Dismiss Idaho Power’s Application in this proceeding. On March 6, 1998, the Rate Fairness Group (RFG) filed a Motion to join in the Motions filed by the ICIP and Micron.  On March 20, 1998, Idaho Power responded to all three Motions to Dismiss.

ICIP

The ICIP contends that Idaho Power’s Application is deficient in that it fails to state a valid legal basis to justify increasing the Company’s rates.  As the ICIP notes, Idaho Code § 61-301 provides that, before the Commission approves any new rate to be charged by a regulated utility, it must first find that the proposed rate is “just and reasonable.”  Conversely, according to Idaho Code  § 61-502, the Commission must, before authorizing a change in rates, find that the existing rates are “unjust, unreasonable, discriminatory or preferential, or in any wise in violation of any provision of law.”  The ICIP argues that the only stated rationale for Idaho Power’s Application to change its rates is that the Company now believes that a 24-year amortization period for DSM expenditures is excessive.

The ICIP argues that the rationale provided by Idaho Power to justify its increase in rates does not satisfy the legal requirement that current rates are unjust, unreasonable, discriminatory or preferential.  The ICIP notes that the amortization period of Idaho Power’s DSM expenditures was litigated at length in the Company’s most recent general rate case.  In that case, Staff and FMC Corporation argued for a 24-year amortization period which, those parties advocated, represents the approximate effective life of the various DSM programs.

The ICIP concludes that the Commission adopted a 24-year amortization period based upon the evidence submitted to it in the hearing and after thoughtful consideration.  According to the ICIP, Idaho Power’s “casual remark” to the effect that 24 years is too long is simply insufficient to justify a finding by the Commission essentially overturning its prior decision.  The ICIP asserts that Mr. Said’s vague references to changes in the electric industry do not constitute a prima facie showing that the current rates are no longer reasonable.  The ICIP concludes:

This Application is therefore patently deficient and must be dismissed, or at a minimum, rejected with instructions to refile an Application that at least asserts a prima facie case for changing Idaho Power’s rates.  Basic due process requires nothing less.

Motion to Dismiss at p. 5.

The ICIP’s second point is that Idaho Power’s Application is nothing more than an inappropriate attempt to selectively recover stranded investment.  If the “changes in the electric industry” Mr. Said is referring to is the possibility of restructuring or competition, the ICIP asserts, then Idaho Power will have some individual resources, possibly including DSM, that are above market price.  The ICIP urges that while DSM resources are expensive and will be on the Company’s books for many years, forcing ratepayers to pay for these resources today will only serve to allow the Company’s shareholders to make even more money in a competitive world.  The ICIP concludes that all of the Company’s resources must be included and taken into consideration when determining whether and how Idaho Power should be permitted to recover its stranded costs.

Finally, the ICIP notes that in Idaho Power’s last general rate case, the Commission required the Company to file for recovery of its DSM at least every three years.  The Commission ruled:

We are also concerned with the length of time that DSM program expenses were allowed to accumulate prior to the filing of this rate case, resulting in accrued expenses in excess of $20 million.  We decline to adopt Staff’s proposal to order immediate amortization of DSM costs.  We find it reasonable to require that commencement of amortization begin after no more than three years.  In the future, Idaho Power must begin amortization of accumulated DSM costs after a three-year period.

Order No. 25880 at p. 18.

The ICIP contends that Idaho Power is seeking to amortize in excess of three years of DSM.  According to Attachment B of its Application, Idaho Power is seeking recovery for costs associated with $16,999,200 of DSM expenditures for the years 1994 through 1997.  The ICIP concludes that the Commission’s prohibition against Idaho Power’s recovery of DSM expenses after more than three years would eliminate the first eight months of 1994 or approximately two-thirds of $7,165,200 (roughly $4.7 million).

Micron

Micron argues that the Commission lacks statutory authority to grant a rate increase based on a single item of expense.  Inherent in determining a just and reasonable rate, Micron reasons, is determining the prudence of all relevant costs and the appropriate rate of return.  Micron cites a number of appellate decisions from California, Colorado, Wyoming and Utah for the general proposition that a public utilities commission should consider all changes in a company’s costs, revenues and other factors when determining whether to increase rates.  None of the cases cited by Micron, however, specifically hold that single item rate cases are strictly prohibited by law.  Micron argues, nonetheless, that if utilities were allowed to file single item rate cases, they would do so every time they experience an increased cost without being required to disclose potentially offsetting decreases in other costs.  Such a practice, Micron argues, would “make a mockery of the Commission and its legal mandate.”  Memorandum at p. 4.

Micron’s second point of contention is that the Company’s Application essentially constitutes a premature and unsupported attempt to recover stranded costs.  Micron asserts that this is not the appropriate proceeding in which to examine stranded costs in that it would not be reasonable to attempt to do so based on only one category of costs while there might be other, below market, offsetting investments.  Moreover, Micron contends, allowing Idaho Power to recover stranded costs runs the risk of providing the benefits of deregulation to the Company while forcing its customers to endure the worst aspect of regulation (no choice of suppliers).

Next, Micron contends that Idaho Power’s Application should be dismissed because it breaches the settlement stipulation establishing a rate moratorium which was adopted by this Commission in Case No. IPC-E-95-11.  That stipulation, Micron notes, contained a rate moratorium freezing Idaho Power’s rates through January 1, 2000.  Micron concedes that the stipulation provided three exceptions to the rate freeze including changes in the manner in which demand side management charges are recovered.  Nonetheless, Micron notes that the Commission warned Idaho Power that any attempt to circumvent the moratorium would be closely scrutinized.  Micron argues that with respect to Idaho Power’s older DSM investments, any attempt to change the manner in which those investments are recovered would violate the rate moratorium because the recovery of those costs was patently at issue in the 1994 (rate moratorium case) proceeding.  Unlike new DSM costs, the determination of the appropriate recovery method for the older DSM investments was agreed to by the parties, approved by the Commission and is the basis for current rates.

Micron argues that because the Commission denied Idaho Power the recovery of its public purposes charge until the prudence of Northwest Energy Efficiency Alliance (NEEA) expenditures could be determined, that the Commission was recognizing that Idaho Power would not be allowed recovery of stranded costs until the prudence of those costs could be determined and whether any other stranded costs should be offset against them.  Memorandum at p. 8.

Finally, Micron argues that Idaho Power’s Application effectively seeks to preempt the Idaho Legislature’s prerogative to enact comprehensive stranded cost legislation.  Micron predicts that the Idaho Legislature

. . . will undertake global legislation that will provide the Commission a methodology for both discerning and treating stranded costs.  Prior to such legislation, any decision the Commission makes concerning stranded cost issues runs serious risk of either tying the Legislature’s hands, requiring legislative patchwork, or simply becoming moot.  The Commission should not interfere with the Idaho legislature’s prerogative to weigh the appropriate public policy issues and to enact global legislation that includes a methodology for both the discernment and treatment of stranded costs.

Memorandum at p. 9.

Micron concedes, however, “that it is appropriate for the Commission to examine the existence and amount of stranded costs.  It is not appropriate for the Commission to allow a utility to recover alleged stranded costs before the Legislature has had an opportunity to speak on such issue.”  Id.

Rate Fairness Group

The RFG supports and joins in the Motions filed by the ICIP and Micron.  In addition, the RFG expresses concern about Idaho Power’s proposal to allocate the increased revenue requirement to customer classes based upon their ability to participate in the various programs. The RFG contends that the testimony of Idaho Power witness Greg Said, filed in support of the Application, is insufficient upon which to base a change in rates, more particularly, a change in class allocation, in light of the legal requirements imposed by Idaho Code § 61-301.  The RFG notes that the Commission has historically held that conservation resources provide both demand and energy benefits and should be classified accordingly.  Consequently, the RFG posits, the easiest method to classify conservation program expenses is in the same manner in which generation resources are classified, i.e., on the basis of system load factor.

Idaho Power Reply

Idaho Power characterizes most of the arguments advanced in the three Motions to Dismiss as constituting a rehash of the arguments rejected by the Commission in Case No. IPC-E-96-26 (the public purposes case).  In Order No. 27045 issued in that proceeding, the Commission recognized one of the exceptions to the rate moratorium as being an application by the Company requesting changes in the manner in which its demand side management charges are recovered.  Idaho Power notes that the ICIP was a party to that proceeding.  Micron was actually a signatory to the settlement stipulation (Case No. IPC-E-95-11) itself.  In the public purposes case, the Commission ruled:

Although we deny current recovery of Idaho Power’s NEEA expenditures at this time, we believe that it would be timely and appropriate to review the Company’s existing deferred DSM investment to determine whether the manner and timing of recovery is reasonable given the recent movement toward competition in the electric industry.  We encourage the Company to initiate a proceeding that would permit a comprehensive review of its existing DSM investment and recovery.  We believe that such a review would be consistent with the settlement agreement approved by the Commission in Order No. 21216.

Order No. 27045 at p. 6.

Idaho Power also refers to Order No. 26925 issued in Case No. IPC-E-97-5 in which the Commission stated its preference to procedures designed to eliminate DSM deferrals wherever possible.  In that Order, the Commission stated:

As we continue the regulatory transition toward a more competitive electric  industry, we find it reasonable to address the elimination of deferrals wherever possible.  The Commission will address the prudence of underlying DSM investment when the Company by Application seeks to include the costs in rates.

Order No. 26925 at p. 4.

Regarding the proposition that the Commission is not legally entitled to entertain a single issue rate proceeding, the Company notes that none of the parties were able to cite an Idaho Supreme Court decision supporting their proposition.  The Company notes that in J.R. Simplot Co. v. Intermountain Gas Co., 630 P.2d 133, 102 Idaho 341, the Idaho Supreme Court specifically approved the practice of a limited rate proceeding regarding a specific cost which could be separately identified.  Idaho Power notes that the Commission has long recognized “trackers” and the Application of Idaho Power in this case to accelerate the recovery of DSM expenditures falls clearly within this category, the Company contends.  The amount of the DSM expenditures are known and the acceleration of the recovery of those expenditures will not affect Idaho Power’s rate of return.  The Company argues that the net effect of this filing is that the Company’s increased expenses are offset by increased revenues with a commensurate reduction in the DSM deferred balance.

Idaho Power characterizes the ICIP’s and Micron’s arguments that this filing constitutes an attempt to recover stranded costs as rhetoric.  The Company notes that DSM costs are expenditures incurred as a result of DSM programs approved by the Commission and participated in by Idaho Power’s existing customers.  The policy question that is raised, the Company contends, is whether it should be the existing customer classes that fund the accelerated amortization of the deferred amount or should it be passed on to future customers.  Under any scenario, the Company argues that it is entitled to recover the expenditures that it has made in DSM programs.  Idaho Power notes that the Commission has repeatedly offered the Company this very assurance.  Idaho Power urges the Commission to once again reaffirm that the accelerated recovery of the Company’s DSM expenditures made under programs specifically approved by the Commission is in the public interest.  Idaho Power further argues that in light of the changing conditions of the electric industry, a determination that the existing customer classes should bear the burden of these expenditures is a sound public policy determination.

FINDINGS

We hereby deny the Motions of the ICIP, Micron and the RFG to dismiss Idaho Power’s Application in this case.  In Order No. 26216 issued on October 20, 1995, in Case No. IPC-E-95-11, we approved and adopted the settlement stipulation entered into by certain of the parties to that proceeding including Idaho Power Company, the Commission Staff, the Commercial Utility Customers of Idaho Power, Micron Technology, FMC Corporation, the Idaho Irrigation Pumpers Association, Inc. and the United States Department of Energy.  That stipulation provided, among other things, that “Idaho Power’s base rates will not be changed prior to January 1, 2000.”  Stipulation at p. 4.  The settlement stipulation provided three exceptions to this rate moratorium.  Exception No. 2 provides:

Furthermore, the moratorium does not apply to the following three exceptions: . . . (2) Application by Idaho Power Company, or any other party, requesting changes in the manner in which demand side management charges are recovered. . . .

Id.

The three Motions to Dismiss currently at issue in this proceeding assert that it is not appropriate to allow Idaho Power to increase its rates to accelerate the recovery of its DSM investment on the basis that (1) it is inappropriate to grant the Application without considering other issues that would affect the Company’s earnings, (2) that the Idaho Power’s proposed acceleration of its DSM recovery in this case somehow does not fit within Exception No. 2 to the settlement stipulation or (3) that the Idaho Legislature rather than this Commission should determine whether Idaho Power should be allowed accelerated recovery of its DSM investment.  We find that none of these assertions have merit.  The recovery periods for Idaho Power’s DSM investments were established prior to the issuance of Order No. 26216.  In Order No. 25880, issued in Case No. IPC-E-94-5, this Commission adopted a 24-year amortization period for Idaho Power’s DSM investments.  The Company strenuously objected to that time period, arguing that it was excessive.  When we adopted the settlement stipulation in Order No. 26216, this Commission was well aware of Idaho Power’s concerns regarding the length of DSM amortization.  Regardless of what the intentions of any of the signatory parties to the settlement stipulation might have been, it was the intention of this Commission to allow Idaho Power the opportunity to raise the issue of the proper DSM amortization period prior to the expiration of the rate moratorium in the year 2000.

Regardless of the assertions made thus far in this proceeding, there is no doubt that the Application filed by Idaho Power falls squarely within Exception No. 2 to the settlement stipulation.  Moreover, in Order No. 27045, issued in Case No. IPC-E-96-26, we ruled:

We anticipated in approving the settlement agreement, that the DSM exception to the rate moratorium was to allow Idaho Power the opportunity to continue to invest in DSM and to be free to seek cost recovery in a more timely manner than in the past.

Order No. 27045 at p. 4.

We further find the contention that it is inappropriate to segregate DSM for special consideration or to allow Idaho Power what is, in essence, a single issue rate increase to be equally without merit.  Those are arguments that should have been raised in Case No. IPC-E-95-11.  To dismiss the Company’s Application on that basis would be to entirely negate the intended result of the settlement stipulation adopted by this Commission in Order No. 26216.  In any event, in J.R. Simplot Co. v. Intermountain Gas, 630 P.2d 133, 102 Idaho 341 (1981), the Idaho Supreme Court specifically acknowledged the authority of the Commission to conduct “tracker” or “single item” cases affecting rates.  The Supreme Court ruled:

With a view to constitutional considerations, it is clear that within the regulatory context, due process is a flexible concept permitting expert administrative agencies broad latitude to adapt procedures to the specific regulatory needs of their jurisdictions.

102 Idaho at p. 342.

Regarding the RFG’s arguments concerning the proper allocation of DSM recovery, we find that such matters are appropriately raised in this proceeding through the submission of testimony, other evidence, or through cross-examination of witnesses.  It is an insufficient basis, however, for a Motion to Dismiss Idaho Power’s Application.

Finally, we disagree with Micron’s suggestion that the issues raised by Idaho Power’s Application should be addressed only by the Idaho Legislature and not by this Commission.  The Commission has a statutory obligation to establish rates and charges for public utilities operating in the state of Idaho.  See Idaho Code § 61-502.  To refuse to rule on Idaho Power’s Application in this case on the basis that the Idaho Legislature might someday enact legislation affecting the regulation of public utilities in this state, would constitute a complete abrogation of our existing statutory duties.  Absent alternative directions by action on the part of the Idaho Legislature, we will continue to fulfill those duties as defined in the Idaho Code.

MOTION BY IDAHO POWER TO UTILIZE THE NET 1997 REVENUE

SHARING AMOUNT AS A REDUCTION TO THE COMPANY’S

DEMAND SIDE MANAGEMENT BALANCE

On March 5, 1998, Idaho Power filed its Motion to offset its DSM balance by the net 1997 revenue sharing amount.  Idaho Power estimates that the amount of 1997 customer shared earnings will be $7 million after removing the 1997 interest earned on the 1994 through 1997 deferred DSM balances as well as the intervenor funding award provided in the public purposes case.  The $7 million net revenue sharing amount is an estimate of the amount that will be precisely determined by April 15, 1998.

Idaho Power submits that its proposed offset is in the public interest. The Company notes that the existing customer classes have obtained the direct benefits of the Company’s DSM expenditures and it is these customers that should fund the amortization of the outstanding DSM deferred balance.  Idaho Power asserts that all that is required at this time is an Order by the Commission approving the offset.  The Commission could subsequently determine how to utilize the revenue sharing amount in this proceeding.

The only party to file a response to Idaho Power’s Motion was the Commission Staff.  Staff notes that in the Company’s last revenue sharing case (IPC-E-97-5), the Commission granted Idaho Power an allowance for interest accrued in 1996 on the Company’s 1994, 1995 and 1996 deferred DSM balances.  In that year, the Company had a net refund to ratepayers exceeding the additional charge for a power cost adjustment that would have been required.  There was no reduction to the deferred DSM balances.  In essence, the annual adjustment of revenue sharing partially offset by another annual adjustment for a PCA was used to eliminate an annual charge for interest accrued on the as yet unapproved deferred DSM costs incurred since the last rate case.

According to Staff, initial data indicates that for 1997, the estimated annual PCA will require a surcharge and will exceed the estimated annual revenue sharing refund resulting in a net surcharge for the year.  If the Commission desires, Staff contends, it may continue to offset the annual interest accrued on the 1994 through 1997 deferred balances.  The interest accrued on the deferred DSM balance is approximately $1.7 million.  Staff notes that the treatment of accumulated deferred DSM balances will be resolved by the Commission’s final Order in this proceeding.

Staff recommends, therefore, that the Company’s Motion to Consider the Revenue Sharing Funds as an offset to DSM costs be approved only if the offset is applied at the beginning of the amortization period established by the Commission.  For example, the revenue sharing funds could be used to make the first several months’ payments of the established amortization period so that a rate increase due to the acceleration of the amortization period, if approved by the Commission, could be postponed until May 1998 to coincide with the next PCA and earnings review cases.  For now, Staff believes that the Commission could grant the Motion and later determine the manner in which the offset is applied.  Idaho Power has informally represented to the Commission Staff that it does not oppose Staff’s recommendations.

Commission Findings:  We hereby grant Idaho Power’s Motion to utilize the net 1997 revenue sharing amount as an offset in this case.  The methodology to be utilized to offset the DSM costs with the 1997 revenue sharing amount will be determined following the cases presented by the parties in this case.  The net 1997 revenue sharing amount will also be determined by this Commission.

IDAHO POWER’S MOTION TO COMPEL RESPONSE TO

PRODUCTION REQUESTS

On March 19, 1998, Idaho Power filed a Motion for an Order compelling the ICIP to respond to the Company’s first set of production requests.  Those production requests were submitted to the ICIP on March 10, 1998.  The ICIP provided a partial Response but objected to Request Nos. 2 and 3 and completely failed to respond to Request No. 4, Idaho Power states.  The requests and responses in dispute are set forth below.

Idaho Power Request No. 2:

Please provide the specific service locations of the customers in Idaho Power Company’s service territory in the state of Idaho that the intervenor, Industrial Customers of Idaho Power Company, represents in Case No. IPC-E-97-12.

ICIP Response to Request No. 2:

The Industrial Customers objects to this question as it is not likely to lead to the discovery of admissible evidence, and is completely irrelevant to the issues in this case dealing with the manner and timing Idaho Power recovers its demand side management expenditures.  Furthermore, the information requested is already in Idaho Power’s possession as it provides electric service to the members of the Industrial Customers of Idaho Power.  Presumably, Idaho Power knows where its customers are located.  Finally, most of the members of the ICIP have multiple service locations making it difficult to account for each location without the expenditure of unnecessary time and effort since Idaho Power already has the requested information.

Idaho Power contends that the ICIP’s objections to the production requests are incongruous with the ICIP’s position taken in a prior case in which it chastised Idaho Power for not utilizing appropriate procedures based on the number, identity and location of the ICIP’s member­ship which is easily discoverable.  In any event, Idaho Power notes that one of the issues in this proceeding is the direct benefit that customers have derived from the Company’s payments for DSM programs.  The ICIP admits that its members have multiple service locations and it is difficult to account for each location.  Idaho Power asserts that is necessary to ascertain the locations where these customers take service in order to determine all of the DSM programs that particular ICIP customers have participated in.  Idaho Power notes that it has no way of identifying the subsidiaries of the ICIP or assumed business names that ICIP affiliates may operate under in the Company’s service territory.  Thus, Idaho Power argues, this is a task that only the ICIP can complete.

Idaho Power Request No. 3:

For each industrial customer identified in the responses to Request No. 1 and Request No. 2, please provide the amount of any incentive payment that the industrial customer has received, the year that the incentive payment was received, and the demand side management program under which the incentive payment was received, i.e., the partners in industrial efficiency program, the commercial lighting program, the design excellence award program, etc. [the production request then goes on to provide the format in which the answer is to be structured].

ICIP Response to Request No. 3:

The requested information is already in the possession of Idaho Power Company as it manages the identified programs.  It would be unnecessarily burdensome to require the ICIP to compile information that is currently in the possession of Idaho Power Company.

Idaho Power argues that this is factual information that the ICIP can provide.  The Company further urges that it is particularly relevant in light of the Company’s request to reduce the period for the amortization of DSM expenditures.  Idaho Power is not certain as to the subsidiaries that the ICIP may operate under and if those subsidiaries have obtained DSM incentive payments.

Idaho Power Request No. 4:

Do any of the industrial customer identified in the responses to Request No. 1 and Request No. 2 have requests for incentive payments pending?  If so, please identify the customers and specify the amount of the requested payments and the program under which the incentive payment has been requested.

Idaho Power notes that the ICIP has filed no response to Request No. 4.  Idaho Power states that the requested information is required in that there are still ongoing programs under which the ICIP members are requesting incentive payments.

On April 3, 1998, the ICIP filed a response to Idaho Power’s Motion to Compel.  The ICIP states that one of its members might have a dozen service locations and that it would involve a great deal of time and effort to identify all of them.  The ICIP questions the relevance of this information in this proceeding.  The ICIP alleges that Idaho Power’s discovery requests are “nothing more than a ruse to discover information regarding the internal workings of the members of the ICIP.”  Response at p. 3. The ICIP reasons that if Idaho Power wants to know who has benefited from its DSM programs, then the Company should look at the names on its DSM contracts.

Commission Findings:  We hereby grant in part and deny in part Idaho Power’s Motion to Compel Responses to its Production Requests submitted to the ICIP.  First, we find that the information sought by Idaho Power appears to be relevant to this proceeding.  Second, we note that during the oral argument presented on this Motion, counsel for Idaho Power indicated that the Company did not expect the precise geographic locations of each of the service locations of the ICIP’s members.  Rather, the Company indicated that it simply needed a general idea of those locations such as the county and city in which they are situated.  We find that it would not be overly burdensome for the ICIP to provide this information to Idaho Power and, consequently, is hereby directed to do so.  Both Idaho Power and the ICIP are directed to cooperate in earnest and good faith with one another in providing the information sought by Idaho Power but with the least possible inconvenience to the ICIP and its members.

O R D E R

IT IS HEREBY ORDERED that the Motions to Dismiss the Application of Idaho Power Company filed in this case by the Industrial Customers of Idaho Power, Micron Technology, Inc., and the Rate Fairness Group are denied.  The Motion of Idaho Power Company to utilize the net 1997 revenue sharing amount as a reduction to the Company’s demand side management balance is approved.  The Motion of Idaho Power Company to compel responses to its production requests submitted to the Industrial Customers of Idaho Power is granted in part and denied in part consistent with the terms and conditions set forth above.

THIS IS A FINAL ORDER.  Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. IPC-E-97-12   may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. IPC-E-97-12 .  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of April 1998.

                                                                                                                                       DENNIS S. HANSEN, PRESIDENT

                                                                                            RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:ICP-E-97-12.bp3

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

April 30, 1998