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

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE JOINT APPLICATION OFIDAHO POWER COMPANY AND FMC CORPORATION FOR APPROVAL OF A SPECIAL CONTRACT FOR SERVICE TO FMC CORPORATION AND A REVISED SCHEDULE 28--FMC TARIFF AND FOR APPROVAL OF REVISIONS TO THE POWER COST ADJUSTMENT OF IDAHO POWER COMPANY AS A RESULT OF THE NEW FMC CONTRACT. | )  )  )  )  )  )  )  )  )  ) | CASE NO.  IPC-E-97-13  ORDER NO.  27378 |

On February 4, 1998, the Commission received a Petition for Leave to Intervene filed by Solutia, Inc., formerly Monsanto Company, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-75.  Idaho Power and FMC opposed intervention.

Based upon the Commission’s review of all the documents, the Commission denies intervention.

BACKGROUND

On February 4, 1998, the Commission received a Petition for Leave to Intervene filed by Solutia, Inc., formerly Monsanto Company. FMC and Idaho Power filed an opposition to Solutia’s intervention on February 9, 1998, alleging Solutia was not a customer and that the basis for its intervention had not been established.  Instead FMC and Idaho Power requested Solutia be allowed to be listed as an interested party only to receive copies of pleadings and orders filed in this proceeding.

On February 17, 1998, Solutia filed its response.  It amended its original Petition to request intervention on behalf of Monsanto Company and the P4 Production, L.L.C. Joint Venture.  Solutia and Monsanto own a plant in Soda Springs, Idaho under a joint venture known as P4 Production, L.L.C. Joint Venture.  Solutia is the operating manager.  They allege that Monsanto’s wholly owned subsidiary, Naturemark, has offices in Boise, Idaho and that Naturemark (and thus Monsanto as the owner) is a customer of Idaho Power and receives service as a small customer.

Solutia, Monsanto, and P4 further allege that approval of the FMC contract and proceedings pertaining thereto will affect Solutia and Monsanto because Sections 4 and 5 of the FMC proposed contract would allow FMC direct market access to wholesale power and to circumvent the current regulated monopoly under Idaho law.  Solutia Response at p. 2.  They allege this would impact their existing contracts.

FMC and Idaho Power filed a response to Solutia’s Amended Petition to Intervene on February 20, 1998.  Idaho Power stated it reviewed its billing records and those records do not disclose that Naturemark is a customer of Idaho Power.  Idaho Power and FMC Response at p. 2.  They argued that Solutia is attempting to inject effects the FMC contract may have on Monsanto’s contract for electric service with another utility and that this is irrelevant to these proceedings.  On February 24, 1998, Idaho Power and FMC agreed that Naturemark was a small customer but  continued to argue that any effects the FMC contract may have on Monsanto’s contract for electric service with another utility a is irrelevant to these proceedings.

FINDINGS

The Commission finds that based on the pleadings and other documents filed in this case, intervention by Solutia, Inc., Monsanto Corporation, and P4 Production, L.L.C. Joint Venturewould not serve the purposes of intervention as described by Rule 74 of the Rules of Procedure and should be denied.  The intervening parties have not established any interests in this case that are relevant to the issues presented.  Moreover, Solutia, Monsanto, and P4 did not express any intention to present issues or arguments in this proceeding that are designed to affect its outcome.

O R D E R

IT IS THEREFORE ORDERED that the Petition to Intervene filed by Solutia, Inc., Monsanto Corporation, and P4 Production, L.L.C. Joint Venture is hereby denied.

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

                                                                                DENNIS S. HANSEN, PRESIDENT

                                                                                RALPH NELSON,  COMMISSIONER

                                                                                MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

O:ipce9713.cc3

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

February 27, 1998