May 14, 1998

VIA FACSIMILE

Frank E.  James, Executive Director

Idaho Rural Council

110 West 31st Street, #200

PO Box 236

Boise, ID 83701

RE: Idaho Power-FMC Contract

Dear Mr. James:

The Commission has asked me to reply to your facsimile letter dated May 12, 1998, concerning the Idaho Power-FMC contract, Case No. IPC-E-97-13.  Your letter “request[ed] an extension of the comment period of at least 30 days . . . [because] we will not be able to file our petition for reconsideration within twenty-one days of the service date of the Order.”  After reading your letter, the Commission is uncertain whether the Council understands the current status of this case.

In late January 1998, the Commission solicited public comments concerning the proposed FMC contract.   The 60-day comment period closed March 30, 1998.   Following the close of the comment period, the Commission issued Order No. 27463 on April 27, 1998. The Order approved the proposed contract with conditions.

Once the Commission issues a final Order, Idaho Code § 61-626 provides that any person “shall have the right” within twenty-one days to ask the Commission to reconsider any aspect of its Order.  The purpose of “reconsideration” is to afford an opportunity for any person to bring to the attention of the Commission any matter that it believes the Commission may have erred.  As you can see in the attached statute, the Legislature has established a rigorous schedule for petitioning, considering and conducting reconsideration.  Because the 21-day period for filing Petitions for Reconsideration is set by statute, the Commission cannot extend the period in which Petitions for Reconsideration must be filed.  Consequently, Petitions for Reconsideration must be postmarked no later than May 18, 1998.

The Commission’s Procedural Rule 331 requires that Petitions for Reconsideration “must set forth specifically the ground or grounds why the petitioner contends that the order . . . is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.”  IDAPA 31.01.01.331.01.  A Petition for Reconsideration must state whether the petitioner requests reconsideration by evidentiary hearing, written brief, comments, or interrogatories.  Id. at 331.03.  Grounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed by the Commission.  IDAPA 31.01.01.332.

You may want to consider requesting the Commission Secretary place you on the “interested parties list” to receive notice of future electric cases filed by particular utilities.  If you have any further questions, please do not hesitate to contact me at 334-0312.

Sincerely,

Donald L.  Howell, II

Deputy Attorney General

DLH/vld/L:James

Enclosure

cc:Commissioners

Myrna Walters