

GIVENS PURSLEY LLP

RECEIVED
FILED
2005 OCT 21 PM 12:02

RVL-E-05-01

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho, 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

IDAHO PUBLIC UTILITIES COMMISSION

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Melissa A. Finocchio*
Steven J. Hippler
Karl T. Klein
Deborah K. Kristensen
Anne C. Kunkel

Jeremy G. Ladle
Franklin G. Lee
David R. Lombardi
Ernily A. MacMaster
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.

Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

Raymond D. Givens
RETIRED

James A. McClure
RETIRED
**Licensed in California*

October 21, 2005

Donald L. Howell, II, Esq.
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington Street
Boise, Idaho 83720

Re: Comments on Stray Voltage Rules
Docket No. 31-6101-0501

Dear Don:

Thank you for distributing the comments Idaho Power filed with you concerning the proposed stray voltage rules. We appreciate the opportunity to review and respond to them. For your record, the only comments we have seen from Idaho Power are from Paul E. Ortmann, P.E. (undated) which you forwarded to interested parties on October 15, 2005. Further for the record, we have reviewed the Staff's proposed changes which were distributed yesterday. Finally, by way of preliminary matters, this letter is submitted on behalf of the Idaho Dairymens' Association and the Milk Producers of Idaho.

Addressing Mr. Ortmann's comments first, we have no issues with the recommendations he has identified as Recommendations 1 and 2 or with the suggested rule changes associated with those recommendations. They appear to be appropriate modifications to the proposed rules.

Recommendation 3 also appears to be appropriate although we believe the rule change associated with it (Rule 071.02.e) would benefit from clarification. First, we believe that a limited evaluation should be conducted only with the consent of the dairy. That consent should be evidenced in writing both to avoid confusion and to clarify that the utility will not conduct testing on the dairy premises without the prior consent of the dairy. The language proposed by Staff for that provision incorporates the requirement of written consent in an appropriate fashion. We would also suggest that the writing contain

Don Howell
October 21, 2005
Page 2

an explanation of the reasons for conducting a limited evaluation so the dairy may be fully informed of the reasons the utility believes a full evaluation is not necessary. The following language for Rule 071.03 (as numbered in the Staff's draft) would satisfactorily address our concerns:

03 Suspended or Limited Testing. With the written agreement of both the utility and the dairy producer, a stray voltage investigation may be suspended at any point in the investigation. With the written agreement of both the utility and the dairy producer, the utility may employ a limited set of tests or measurements on a dairy as part of an intentionally limited evaluation. If the utility proposes to suspend a stray voltage investigation or to conduct a limited evaluation, its reasons for doing so shall be set forth in the written agreement between the utility and the dairy producer.

We do not agree with that portion of Recommendation 4 which would reduce the primary profile test from three quarters to one half mile. We believe the requirement for testing within three quarters of a mile from the primary service point for the dairy is appropriate to ensure that issues on the distribution line close to the dairy are identified and appropriately remedied. We are not sure what would make it "impractical" to "test starting at one end of the the distribution system and working toward the other end..." and therefore are concerned about the proposed addition to Rule 075.02.a of the phrase "To the extent practical..." Unless there is substantiation in the rulemaking record for this modification we would suggest that it not be included.

Other than the proposed modification to Rule 071.03 set forth above we have no comments on the Staff's proposals you emailed yesterday other than to say that they are satisfactory and appropriate. We thank you for the opportunity to submit these comments to you for your consideration.

Sincerely,



Kenneth R. McClure

cc: Brent Olmstead
Bob Naerebout
Rex Blackburn