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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for the Respondent on Appeal,
Idaho Public Utilities Commission

Sup-E-10-01

IN THE SUPREME COURT OF THE STATE OF IDAHO

**BUILDING CONTRACTORS ASSOCIATION)
OF SOUTHWESTERN IDAHO,)**

Petitioner/Appellant,)

v.)

IDAHO PUBLIC UTILITIES COMMISSION,)

Respondent on Appeal,)

and)

IDAHO POWER COMPANY,)

Respondent/Respondent on Appeal.)

**SUPREME COURT
DOCKET NO. 37293-2010**

**AUGMENTING THE BRIEF
OF THE IDAHO PUBLIC
UTILITIES COMMISSION**

Pursuant to Idaho Appellate Rule 34(f)(1), the Idaho Public Utilities Commission hereby augments its brief on appeal by the citation of additional authority. That part of the Commission's brief in the "ARGUMENT" section F. 2. – (BCA is not entitled to Attorney Fees on Appeal under *Idaho Code* § 12-117) found on pages 36 and 37* should include the additional authority; *Smith v. Washington County Idaho*, ___ Idaho ___, 247 P.3d 615, 2010 WL 5093625 at *3, slip op. at 4-5; *Krempasky v. Nez Perce County Planning & Zoning*, 150 Idaho 231, 239,

AUGMENTING THE BRIEF
OF THE IDAHO PUBLIC UTILITIES
COMMISSION

245 P.3d 983, 991 (2010); *Kimbrough v. Idaho Bd. of Tax Appeals*, ___ Idaho ___, 247 P.3d 644, 2011 WL 337939 at *5; *Vickers v. Lowe*, ___ Idaho ___, 247 P.3d 666, 2011 WL 383881 at *7.

Submitted on behalf of the Idaho Public Utilities Commission this 30th day of March 2011.



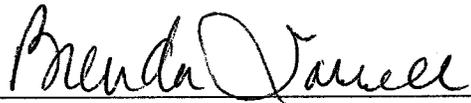
Kristine A. Sasser
Deputy Attorney General
For the Idaho Public Utilities Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 30th DAY OF MARCH 2011, SERVED THE FOREGOING **AUGMENTING THE BRIEF OF THE IDAHO PUBLIC UTILITIES COMMISSION** IN SUPREME COURT DOCKET NO. 37293-2010, BY MAILING TWO COPIES THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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