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IDAHO PUBLIC UTILITIES COMMISSION

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Attorneys for Ada County Highway District

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION )	
OF IDAHO POWER COMPANY FOR )	Case No. IPC-E-08-22
AUTHORITY TO MODIFY ITS RULE H )	
LINE EXTENSION TARIFF RELATED TO )	NOTICE OF APPEAL
NEW SERVICE ATTACHMENTS AND )	
DISTRIBUTION LINE INSTALLATIONS. )	
_____ )	

TO: THE IDAHO PUBLIC UTILITIES COMMISSION, THE PARTIES IN THIS MATTER AND THEIR RESPECTIVE COUNSEL OF RECORD

NOTICE IS HEREBY GIVEN THAT:

1. The Appellant, the Ada County Highway District, appeals to the Idaho Supreme Court from the Idaho Public Utilities Commission's Order No. 30955, entered in the above entitled proceeding on the 30th day of November.

2. Appellant has a right to appeal to the Idaho Supreme Court, and the order described in paragraph 1 above is an appealable order pursuant to I.A.R. 11(e).

3. Appellant presently intends to assert the following issues on appeal, although

Appellant reserves the right to assert other issues on appeal:

- a) Whether I.P.U.C. No 29, Tariff No. 101 (“Rule H”), as approved by the Idaho Public Utilities Commission, usurps ACHD’s legislatively granted exclusive general supervision and jurisdiction over all highways and public rights-of-way within its highway system.
- b) Whether I.P.U.C. No 29, Tariff No. 101 (“Rule H”), as approved by the Idaho Public Utilities Commission, violates Article 8 § 2, Article 8 § 4, Article 7 § 17 and/or other provisions of the Idaho Constitution.
- c) Whether I.P.U.C. No 29, Tariff No. 101 (“Rule H”), as approved by the Idaho Public Utilities Commission, abrogates the common law rule related to relocation of utilities.

4. No order has been entered sealing any portion of the record.

5. The appellant requests the preparation of the reporter’s standard transcript as defined in Rule 25(c), I.A.R.

6. Appellant requests the standard agency record on appeal pursuant to Rule 28, I.A.R.

7. I certify:

- a) That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:

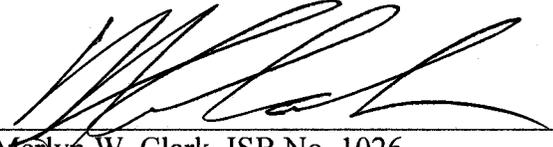
Constance S. Bucy  
CSB Reporting  
23876 Applewood Wy  
Wilder, ID 83676

- b) That the estimated fee for the preparation of the reporter's transcript has been paid.
- c) That the estimated fee for preparation of the clerk's record has been paid.
- d) That the appellate filing fee has been paid.
- e) That service has been made upon all parties required to be served pursuant to Rule 20, I.A.R. (and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code).

DATED THIS 8<sup>th</sup> day of January, 2010.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By

  
Merlyn W. Clark, ISB No. 1026  
D. John Ashby, ISB No. 7228  
Attorneys for Ada County Highway District

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26<sup>th</sup> day of January, 2010, I caused to be served a true copy of the foregoing NOTICE OF APPEAL by the method indicated below, and addressed to each of the following:

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Commission Secretary  
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