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IDAHO PUBLIC UTILITIES COMMISSION

Merlyn W. Clark, ISB No. 1026
D. John Ashby, ISB No. 7228
HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: 208.344.6000
Facsimile: 208.954.5210
Email: mclark@hawleytroxell.com
jashby@hawleytroxell.com

SUP-E-10-01
SUP-E-10-02

Attorneys for Petitioner/Appellant Ada County Highway District

IN THE SUPREME COURT OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION)
OF IDAHO POWER COMPANY TO)
MODIFY ITS RULE H LINE EXTENSION)
TARIFF RELATED TO NEW SERVICE)
ATTACHMENTS AND DISTRIBUTION)
LINE INSTALLATIONS.)

AFFIDAVIT OF MERLYN W. CLARK
IN SUPPORT OF UNOPPOSED
MOTION FOR EXTENSION OF TIME
FOR FILING APPELLANT'S BRIEF

BUILDING CONTRACTORS)
ASSOCIATION OF SOUTHWESTERN)
IDAHO,)

Supreme Court Docket No. 37293-2010
Idaho Public Utilities Commission No.
IPC-E-08-22

Petitioner/Appellant,)

vs.)

IDAHO PUBLIC UTILITIES COMMISSION)
and IDAHO POWER COMPANY,)

Respondents On Appeal.)

AFFIDAVIT OF MERLYN W. CLARK IN SUPPORT OF UNOPPOSED MOTION FOR
EXTENSION OF TIME FOR FILING APPELLANT'S BRIEF - 1

IN THE MATTER OF THE APPLICATION)
OF IDAHO POWER COMPANY TO)
MODIFY ITS RULE H LINE EXTENSION)
TARIFF RELATED TO NEW SERVICE)
ATTACHMENTS AND DISTRIBUTION)
LINE INSTALLATIONS.)

ADA COUNTY HIGHWAY DISTRICT,)

Petitioner/Appellant,)

vs.)

IDAHO PUBLIC UTILITIES COMMISSION,)

Respondent on Appeal,)

and)

IDAHO POWER COMPANY,)

Respondent/Respondent on Appeal.)

Supreme Court Docket No. 37294-2010
Idaho Public Utilities Commission No.
IPC-E-08-22

Merlyn W. Clark, being first duly sworn upon oath, deposes and states as follows:

1. I am an attorney of record for the Petitioner/Appellant, Ada County Highway District, in the above-captioned action.

2. I am duly admitted to the practice of law before this Court and the courts of the State of Idaho, and maintain offices at 877 Main Street, Suite 1000, Boise, Idaho.

3. I have personal knowledge of the matters herein referred to, and make this Affidavit in support of Appellant's Unopposed Motion for Extension of Time for Filing Appellant's Brief.

4. Appellant's Brief is currently due May 3, 2010.

5. No previous extension of time has been granted.

6. No previous request for an extension of time has been denied.

AFFIDAVIT OF MERLYN W. CLARK IN SUPPORT OF UNOPPOSED MOTION FOR
EXTENSION OF TIME FOR FILING APPELLANT'S BRIEF - 2

7. The reasons or grounds why an extension is necessary are that my schedule has not allowed adequate time to prepare Appellant's Brief. Since receipt of the Court's Order dated March 29, 2010, establishing the deadline for Appellant's Brief, my available time to work on the Brief has been limited by prior commitments, including several matters before this Court. For example, in the last two weeks I have filed a Motion to Dismiss and supporting memorandum with this Court in *Fazzio v. Mason*, Supreme Court Case No. 36068, on April 16, 2010. I am currently working on a Reply brief to be filed soon in the *Wasden v. Idaho State Board of Land Commissioners* matter. In addition to these matters before this Court, my schedule over the next few weeks includes several mediations, hearings and depositions.

8. This appeal will ultimately decide whether the Idaho Public Utilities Commission has authority to issue regulations related to the relocation of public utility lines on public rights-of-way or whether such issues fall within the exclusive jurisdiction of the highway districts. Given the serious nature of this matter, it deserves to be fully briefed with adequate time.

10. Appellant requests a 21 day extension, which will make May 24, 2010 the date on which Appellant's Brief will be due.

11. Over the last few days, I have discussed this request for extension of time with counsel for Respondents. I am advised that Respondents do not object to this request for extension of time.

12. Appellant represents that its Appellant's Brief will be filed no later than May 24, 2010.

Further your affiant sayeth naught.

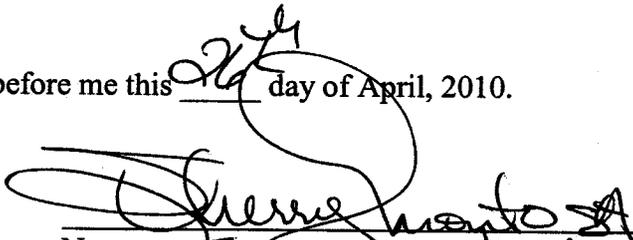


Merlyn W. Clark

STATE OF IDAHO)
) ss.
County of Ada)

SUBSCRIBED AND SWORN before me this 26th day of April, 2010.





Name: Sherry Montosa
Notary Public for Idaho
Residing at Meridian Ada County
My commission expires 9/13/15

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this th 26 day of April, 2010, I caused to be served a true copy of the foregoing AFFIDAVIT OF MERLYN W. CLARK IN SUPPORT OF UNOPPOSED MOTION FOR EXTENSION OF TIME FOR FILING APPELLANT'S BRIEF by the method indicated below, and addressed to each of the following:

Jean D. Jewell
Commission Secretary
IDAHO PUBLIC UTILITIES COMMISSION
P.O. Box 83720
Boise, ID 83720-0074

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail
 Telecopy

Kristine Sasser
IDAHO PUBLIC UTILITIES COMMISSION
P.O. Box 83720
Boise, ID 83720-0074

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: kris.sasser@puc.idaho.gov
 Telecopy

Lisa Nordstrom
Barton L. Kline
IDAHO POWER COMPANY
P.O. Box 70
Boise, Idaho 83707-0070

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: 1nordstrom@idahopower.com
bkline@idahopower.com
 Telecopy:

Scott Sparks
Gregory W. Said
IDAHO POWER COMPANY
P.O. Box 70
Boise, Idaho 83707-0070

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: ssparks@idahopower.com
gsaid@idahopower.com
 Telecopy

Michael C. Creamer
GIVENS PURSLEY, LLP
601 W. Bannock St.
Boise, ID 83702

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: mcc@givenspursley.com
 Telecopy

Micheal Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 E. Seventh Street, Suite 1510
Cincinnati, OH 45202

Matthew A. Johnson
Davis F. VanderVelde
WHITE PETERSON GIGRAY ROSSMAN
NYE & NICHOLS, P.A.
5700 E. Franklin Road, Suite 200
Nampa, ID 83687

Kevin Higgins
ENERGY STRATEGIES, LLC
Parkside Towers
215 S. State Street, Suite 200
Salt Lake City, UT 84111

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: mkurtz@BKLawfirm.com
kboehm@BKLawfirm.com
 Telecopy

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: mjohnson@whitepeterson.com
dvandervelde@whitepeterson.com
 Telecopy

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 E-mail: khiggins@energystrat.com
 Telecopy



Merlyn W. Clark