DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

DAVE SCHUNKE

GARY RICHARDSON

WORKING FILE

FROM:SCOTT WOODBURY

DATE:NOVEMBER 8, 1996

RE:CASE NO. UPL-E-96-5

DECLARATORY RULING

IPCO CONCURRENCE/EARTH POWER MOTION TO STRIKE

The Commission in Order No. 26595 granted Idaho Power Company intervenor party status in Case No. UPL-E-96-5.  On August 30, 1996, the Commission issued a Notice of Scheduling in Case No. UPL-E-96-5.  The following scheduling for prefile of testimony was adopted:

September 13, 1996Prefile of direct testimony by Earth Power

October 18, 1996Prefile of direct testimony by Staff/Utilities/Intervenors

November 1, 1996Prefile of rebuttal testimony by all parties

Idaho Power Company (Idaho Power; Company) filed no direct testimony in Case No. UPL-E-96-5.  On October 31, 1996, Idaho Power filed a document entitled “Concurrence of Idaho Power Company” (attached).

On November 1, 1996, Earth Power Resources, Inc.  Filed a Motion to Strike from the record Idaho Power’s concurrence (attached).

Public hearing in Case No. UPL-E-96-5 is scheduled for Wednesday, November 13, 1996.

Commission Decision

Staff recommends that the Commission take up Earth Power’s Motion to Strike as a preliminary matter at the beginning of Wednesday’s hearing.  What is the Commission’s preference?

Scott Woodbury

vld/M:UPL-E-96-5.sw