(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE REQUEST OF OROFINO RETIREMENT PROPERTIES, INC. FOR AN EXEMPTION FROM RULE 102 OF THE COMMISSION’S MASTER-METERING RULES FOR ELECTRIC UTILITIES | )  )  )  )  )  )  ) | CASE NO. WWP-E-96-5  ORDER NO.  26512 |

On June 12, 1996, Mr. Steven J. Crockett, Vice President of Orofino Retirement Properties, Inc. (the Company) directed a letter to the Idaho Public Utilities Commission (Commission) requesting an exemption from Rule 102 of this Commission’s Master-Metering Rules for Electric Utilities.  Reference IDAPA 31.26.01.102.  Rule 102 provides:

102.  Master-Metering and Individual Metering in Multi-Occupant Residential Buildings (Rule 102).

No multi-occupant residential buildings shall be master-metered after July 1, 1990, if the dwelling for non-transient tenants contain an electric space heating, water heating, or air conditioning (space cooling) unit that is not centrally controlled and for which the dwelling unit’s tenants individually control electric usage.

The Company has designed and plans to develop and construct the Brookside Landing Retirement & Health Care Facility (Brookside) in Orofino, Idaho.  Brookside is designed to be an institutional and assisted-living facility, that presents residential characteristics.  The two-story facility will be comprised of 12 residential care unit rooms and 28 apartment styled units.  The occupants, retired seniors, the Company states, will have made the choice that they no longer want the responsibilities for maintaining a home or apartment and want to have the assistance provided that can simplify and make their lives more secure.  Included in their standard rental package are meals, housekeeping, maintenance and all utilities (except telephone).  The Company requests an exemption from the individual metering standards which would otherwise by applied to the congregate living building.  The Company contends that master-metering should not be required in a project of this nature, where utility costs will be covered in the fees paid by residents, and where the facility is designed to be energy efficient.

Brookside provides features for extensive life safety measures to allow the occupant to live an independent life style in a controlled environment.  Energy conservation measures to be incorporated in the project include:

∙2" ridged Styrofoam perimeter insulation around the foundation below the floor.

∙2" x 6" exterior walls with R-19 batt insulation.

∙The roof structure is comprised of wood trusses with R-38 fiberglass foil-reinforced vapor barrier.

∙Doors are to be high-efficiency insulated and any glazing to be insulated solar bronze glass.

∙Windows to be high-efficiency vinyl framed with insulated low “E” argon gas glass.

∙Fluorescent lighting typical throughout instead of incandescent bulbs.

∙Natural gas not being available in this area the water heaters are to be U-L. approved, electric, glass-lined and have thermostatic step control and two magnesium anode rods.  Hot water recirculating pumps are to be installed in system and are to have built in thermal overload protection.

On June 17, 1996, The Washington Water Power Company filed a letter with the Commission  recommending that the request of Orofino Retirement Properties, Inc. for exemption for the Brookside project be approved.

COMMISSION FINDINGS

The Commission has reviewed the filings of record in Case No. WWP-E-96-5.  The Commission has also reviewed its prior Order Nos. 23936 (Case No. IPC-E-91-21) and 26451 (Case No. IPC-E-96-7)  wherein the Commission granted an exemption from Master-Metering Rules to Crossings Corporation for a similar assisted-living facility in Boise, Idaho.  The Commission notes that the Brookside facility will incorporate significant energy conservation measures in its construction.  We find that the nature of the proposed institutional and assisted living facility described above in both design and operation does not lend itself well to providing the conservation signals that would otherwise be provided through individual metering and billing.  We therefore find it reasonable to authorize the requested exemption from Rule 102 of the Commission’s Master-Metering Rules for Electric Utilities, subject to the following conditions:

a)The exemption from the prohibition from master-metering applies only so long as the facility initially known as Brookside Landing Retirement and Health Care Facility is used for assisted living or similar institutional type care-giving;

b)The facility as constructed incorporates the energy efficiency measures described above and meets or exceeds the Construction Standards for Energy Conservation as set forth in Idaho Code, Title 44 Chapter 23; and

c)The terms of the exemption are recorded at the County Recorder’s office in a manner that would put any prospective purchasers of the facility on notice of the terms of the exemption.

CONCLUSIONS OF LAW

The Commission has jurisdiction in Case No. WWP-E-96-5 and the issues presented pursuant to the authority and power granted it under Title 61 of the Idaho Code; the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq., and the Commission’s Master-Metering Rules for Electric Utilities, IDAPA 31.26.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that Orofino Retirement Properties, Inc.’s requested exemption from Rule 102 of the Commission’s Master-Metering Rules for Electric Utilities (Reference IDAPA 31.26.01.102) is granted for the Brookside Landing Retirement and Health Care Facility development project, an institutional and assisted-living facility to be located in Orofino, Idaho, subject to the three conditions set forth above.

THIS IS A FINAL ORDER.  Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order.  Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration.  See Idaho Code § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of  July 1996.

                                                                                      RALPH NELSON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

July 3, 1996